

### Violations Connected to Driving

☞ 4.79 ☞

As drivers, we can often lose sight of the fact that selfish and sometimes dangerous habits while on the road are absolute sins. The immediate results of these *aveiros* are often enormously tragic. The obligatory negative form of the mitzvah to love your fellow like yourself includes:

- ◇ Not parking your car in a way that blocks another car, or in a way that blocks the view and endangers pedestrians and/or other drivers.
- ◇ Not taking up two parking spaces. (Similarly, as a passenger on a bus, do not take up two seats for yourself. If you do not want a woman or a man sitting next to you, get up and stand. You have no right to occupy more than one seat.)

It also includes being careful not to commit other traffic violations, many of which can be potentially hazardous to others, such as,

- ◇ Speeding
- ◇ Tailgating
- ◇ Passing when the law forbids it
- ◇ Going through a red light or stop sign
- ◇ Not yielding the right of way
- ◇ Cutting off people in the next lane
- ◇ Turning without signaling
- ◇ Driving too slowly and thus slowing everybody down and also endangering others
- ◇ Driving when you are not mentally alert
- ◇ Driving a vehicle that is not safe
- ◇ Failing to slow down in an area where a child might run into the street
- ◇ Honking in a residential area when not necessary
- ◇ Honking at someone who is obviously lost and trying to find his way
- ◇ Driving through puddles in a way that splashes the water onto the people standing on the sidewalk
- ◇ Blocking traffic while you talk to someone
- ◇ Failure to pull over to the side of the road while picking someone up or dropping them off
- ◇ Double-parking — blocking somebody in

∞ 4.80 ∞

While to the scorner and scoffer it may seem silly to list these things, these are *aveiros* like any other *aveiros*, and are often met with most tragic consequences. If somebody causes another

person's death as a result of a traffic violation, he is guilty of murder out of recklessness and negligence. He is considered a murderer even if it was accidental, and all the more so if he was negligent.

If he injures or cripples someone, he will also bear the burden of guilt for the rest of his life.

If a *Kohen* kills somebody in a car crash, even if he was not really negligent, he may not *duchan*. Even if he repents, it is questionable if he may go up to *duchan*.<sup>77</sup> If the accident was completely out of his control, he may *duchan*, but this is also not without question.<sup>78</sup>

☞ 4.81 ☞

All the above are gross violations of the mitzvah of loving your fellow like yourself (if they may likely affect another observant Jew). As stated earlier, even if nothing negative resulted from your misbehavior, in most cases you have still violated the mitzvah of loving your fellow like yourself, and must repent to Hashem. Many of the things listed also endanger one's life and the lives of others, and are forbidden for that reason as well.

The Torah commands you to save somebody from danger, and it also forbids you to place dangerous things in your house.

77. *Shulchan Aruch* 128:35 rules that repentance does not restore the *Kohen's* right to *duchan*. *Rama* rules that it does. However, the *Peri Chadosh* and *Eliyahu Rabbah* say that if a *Kohen* lost his right to *duchan* because he became a heretic, repentance restores his right. However, if he killed someone, he never regains his right to *duchan*, because hands with blood on them cannot bring blessing to the people. The prosecutor cannot become the defender. *Biur Halachah* remains in question about this Halachah, but rules that if he did go up to *duchan* after having done proper repentance, we do not make him go down.

78. See *Magen Avraham* 128—if a *Kohen* circumcised a baby, and the baby subsequently died as a result of the circumcision, the *Kohen* may still *duchan*. There are several reasons for this, but this is beyond the scope of this sefer.

You are certainly forbidden to place their life or your own life in danger. *Chazal* have warned many times that, חמירא סכנתא מאיסורא — “What is dangerous is more severe than what is forbidden.”<sup>79</sup>

### Pedestrian Violations

☞ 4.82 ☞

Pedestrian violations are also very common in certain parts of the world. Pedestrians are obliged to be careful about how they walk. Even if they do not get hit by a car, they can easily be in violation of not loving your fellow like yourself. For example:

- ◇ A pedestrian must not walk in the street, preventing the cars from driving. This is especially true when it is pitch-black outside and his clothing is black, and he walks (or stands) in the street.
- ◇ A pedestrian must cross at a crosswalk, and cross only after looking each way — like he is supposed to. Causing a driver to have the scare of almost running him over, or of actually running him over, is a violation of this mitzvah, and of the negative mitzvah of “*lo sona*.”
- ◇ A pedestrian must cross the street at a speed that is considered normal for someone with his physical ability. For a healthy young person to cross the street at a snail’s pace while engrossed in a mobile-phone conversation and thus keep the traffic waiting, is a violation of this mitzvah.
- ◇ A pedestrian should not stand in the street and talk, thereby making it difficult for a driver to pass.

There are places where one can often see people walking

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79. *Chulin* 10a.

in the streets and cars driving on the sidewalks. Behavior that is thoughtless and inconsiderate of others is a violation of this mitzvah.

### Flying

#### 4.83

When flying, you are in closed quarters together with many other people. All of the following are violations of this mitzvah if they (may) affect another Jew:

- ◇ Blocking the aisles
- ◇ Standing around and not taking your seat, thereby delaying the takeoff
- ◇ Opening the window shades when people are sleeping (and it is light outside)
- ◇ Hanging over someone so you can talk to your friend who is sitting inside that row of seats
- ◇ Reclining your chair when the passenger behind you is eating his meal
- ◇ Leaving the lavatory in a mess
- ◇ Expanding yourself into the space of the passenger next to you
- ◇ Kicking the back of the seat in front of you
- ◇ Placing things on the floor in the aisle, and causing people to trip

This sort of behavior is forbidden for a more serious reason, too, namely because it constitutes a desecration of Hashem's Name. This applies even when the other people are not Jewish, and one must be very careful not to be guilty of this most serious of all *aveiros*.

## ☞ 4.84 ☞

When traveling by air, often, people organize a *minyan* for davening on the plane. Although davening with a *minyan* is very important, one must carefully weigh the situation from all sides. If almost all passengers are sleeping, and the *minyan* will not interfere with others, it is a nice idea. However, if people will not be able to get in and out of the washrooms because the *minyan* is blocking the way, and they cannot or will not move, the *minyan* is probably more a sin than a mitzvah, and it would be better to daven alone in your seat. This was the opinion of both Rav Yitzchak Hutner and Rav Shlomo Zalman Auerbach. Similarly, if the crew is serving breakfast, you are not allowed to block the aisles in order to make a *minyan*. If the airline's authorized personnel permit the *minyan*, it is permitted, but only if their guidelines and restrictions are honored. Having a loud, undignified argument with an airline employee over the restrictions placed on such things, is to be avoided even at the cost of not making the *minyan*.

Davening near the lavatories poses other halachic problems. Sometimes passengers seated near the *minyan* might not be dressed in a manner that permits one to daven freely in their presence. All these must be weighed, as well.

## ☞ 4.85 ☞

All of these are violations of the mitzvah to love your fellow like yourself, if they (may) affect another observant Jew. If they will affect a non-observant Jew or a non-Jew, they are not a violation of this mitzvah, but are often a *chilul Hashem*, a desecration of Hashem's Name, which is the most serious of all sins. Furthermore, this type of apparent selfishness and intrusiveness adds much fuel to the fire of hatred and dissent which is all too prevalent. When religious practice is the catalyst, it creates much ill-feeling and antagonism against both the religion and

those who observe it. This is obviously to be avoided.

☞ 4.86 ☞

All of these violations are very serious, because they affect many people, and you will never know how many people you annoyed or delayed, or who they are, so full repentance will often be impossible.

### Miscellaneous Examples

☞ 4.87 ☞

Here are some more common examples of violations of the mitzvah *d'Oraisa* of loving your fellow like yourself:

- ◇ Standing in the doorway or walkway and talking, or reading a poster, thus preventing or making it difficult for people to walk by.
- ◇ Sticking your arm in someone's face in order to touch the mezuzah.
- ◇ Failing to show up for a scheduled appointment or meeting with someone (unless you know that this person also does not adhere to a strict time-schedule).
- ◇ Wasting someone's time by seeking his free advice when you have no intention of listening to him anyway.
- ◇ Causing a salesman or worker to think that you are going to do business with them, when you have no such intention. (Also see chapter 10, Aggrieving with Words.)
- ◇ Promising to do someone a favor when you do not intend to do it.<sup>80</sup>

80. It is also a violation of what is written (*Parashas Kedoshim*) הֵין צַדִּיק יִחִיה לְכַם. *Chazal* in *Bava Metzia* 49a expound on this verse in the following

- ◇ Marrying a woman without having seen her, unless it is not possible any other way.<sup>81</sup>
- ◇ Signing as a guarantor on a loan when you are unable to pay it. (The lender is relying on you, and if you are unable to pay and are simply relying on the borrower to return it, you have violated the mitzvah of loving your fellow like yourself (even if he or you actually return it). Had the lender wanted to rely on the borrower, he would not have asked for a guarantor. If you sign without intent to pay, you are also in violation of *geneivas da'as*, fooling the lender.
- ◇ When you finish using a *sefer* in shul or in the *beis midrash*, returning it to its place is a fulfillment of the mitzvah of loving your fellow like yourself. Failure to do so is a violation. The Steipler used to say such a person is a *rasha*.

☞ 4.88 ☞

When you have to wait in line at a checkout counter, or for admission into someplace, you must wait your turn. Cutting

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manner: Your *ן*—your “yes”, and your *לא*—your “no”, should be *צדק*, correct. This means that you should be trustworthy. *Ra'avad* and *Rasbba* say this is a *d'Oraisa*, and *Sheiltos* 102 holds it is a *d'Rabbanan*. However, they are all referring to when one changes his mind because the situation changed slightly.

If you never meant it to begin with, your expressed commitment, besides being a lie, was also a violation of the mitzvah of loving your neighbor. Also see *Rashi* in *Kesubos* 86a that this is the reason why paying money that you owe is a mitzvah, because of *היך צדק וגו'*. Also see *Tosafos* there (but this is not the forum for expounding on it).

81. *Kiddushin* 41a, *Rashi*; *Rambam Hilchos Ishus* 3:19, *Even Ha'Ezer* 35:2. She might not find favor in your eyes and you will not treat her in the way a wife deserves to be treated. See earlier discussion in footnote 21 in this chapter.

into line is a violation of this mitzvah.

You are also forbidden to let somebody get into line in front of you, because you do not represent all the people standing in line behind you, and you have no right to let someone go before them. If you want to be so generous, you may offer someone else your place in line, and then go to the back of the line. You may not do "mitzvos" at someone else's expense.

☞ 4.89 ☞

You should not finish up your shopping while in the middle of checking out. Doing that causes hatred, and can easily be a desecration to Hashem's Name.

☞ 4.90 ☞

Doing a mitzvah at someone else's expense is a violation of this mitzvah, and your "mitzvah" is actually a sin. For example:

You are waiting on line to pay your bills, and your friend walks in to pay his bills. You are forbidden to do your friend a favor and take his bills and his money and take care of his business so that he will not have to wait in line. You are both stealing from everyone who is waiting in line.

It is easy to argue that if your friend sent you to the post office to pay his bills, you have a right to do so. Why should this be any different? The answer is that once you are standing in line and there are people behind you, your rights in line are only for things that you are there for, and not for new people who will come later.

☞ 4.91 ☞

Shoving your way through the line of people waiting to get onto a bus is also an *aveirah*. When a Jew behaves in this disgraceful manner, it is also a desecration of Hashem's Name. When

religious Jews behave this way it is an even greater desecration of Hashem's Name.

∞ 4.92 ∞

Aside from everything else that is wrong with smoking, smoking in the presence of those who are bothered by it, is also a violation of this mitzvah.<sup>82</sup>

### When Davening

∞ 4.93 ∞

- ◇ When you daven in shul you also are liable to do things that disturb others. Although a shul may be considered a public domain, there are still rules and regulations that must be followed there. For example:
- ◇ You should not disturb the davening of others by davening too loudly or by pacing up and down the aisles.
- ◇ When the congregation reaches the part of davening where everyone stands, stand up and allow the seat of the bench to be lifted so that the other congregants may stand. You must do this even if you are in the middle of Shema.
- ◇ In a small *minyan* of only ten or eleven people, you should not daven so slowly that everyone has to wait for you.
- ◇ The *chazan* must also daven at the same speed of the

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82. With all that is known about the dangers to health from second-hand smoke, it is a violation of even more severe order. Over twenty years ago, Rav Moshe Feinstein wrote in a *Teshuvah*, which I saw in his handwriting, that such a person is also a *mazik*, one who is guilty of inflicting damage upon others. A person is forbidden to disturb his neighbor with smoke of any kind. See *Bava Basra* 20b. He added that as is the case with every *mazik*, one who refuses to stop is invalid to serve as a kosher witness.

congregants.

- ◇ If you are in a hurry and the congregants are not, urging the *chazan* to go faster, i.e. by banging on the table and saying "Nu Nu," is a violation of this mitzvah.
- ◇ If it is hot and stuffy in the synagogue, standing in front of the window and blocking the passage of air is a violation of this mitzvah.
- ◇ Putting on your tallis carelessly, thereby hitting someone in the face with your *tzitzis*, is a violation of this mitzvah.
- ◇ Saying your *berachos* out loud in shul, which requires everyone to answer, is a violation of this mitzvah. Although it is best to have someone answer *Amen* every time you recite a *berachah*, you have no right to "hold the congregation hostage" to listen to your *berachos*.<sup>83</sup>

### In Your Own Home

∞ 4.94 ∞

There are many things that you are permitted to do in the confines of your home even though they might be harmful and upsetting to your neighbors. These are either explicitly permitted by *Chazal*, or the accepted custom is to permit them. For example:

- ◇ You are permitted to let your children cry at night, even

83. The Alter of Slabodka used to refer to this as tying people down with golden chains. It is a golden mitzvah to answer *Amen*, but it is nonetheless a chain, and you should not place it upon the congregation without their consent. If someone wants to be careful that *Amen* is answered on his *berachos*, he may ask somebody to listen and answer to his *berachos*. Rav Chaim Kanievsky's *rebbeztin* answers *Amen* to his *berachos* in the morning, he answers *Amen* to hers, and then they go to daven *Vasikin*.

though the noise may disturb you neighbors, unless the terms of the building prohibit children.<sup>84</sup>

- ◇ You are allowed to make noise in your home during the hours when it is acceptable in your area, even if it disturbs your neighbor.
- ◇ Although noise is not allowed in your area past a certain hour, if you are making a *Sheva Berachos*, you may continue the noise after that hour. This is accepted within limits, in certain neighborhoods, and it is like an unwritten agreement. In neighborhoods where this is not accepted, it is forbidden.
- ◇ It is accepted that you can have your home remodeled even though the noise and dirt are going to bother your neighbors.
- ◇ Neighbors cannot prevent you from exercising your legitimate rights as customary throughout the community, but you must be careful not to violate municipal ordinances.
- ◇ There are certain things that you are permitted to do in your house, but if your neighbor is ill, and is therefore extra sensitive to noise and other disturbances, he might be able to prevent you from those activities.<sup>85</sup> However, he may not prevent you from permitted activities that are normal to living in a house.<sup>86</sup> The full details of this Halachah are beyond the scope of this sefer.

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84. See *Chazon Ish, Bava Basra* 13:11.

85. *Rama, Choshen Mishpat* 156:2 — *Rivash*. This applies even if you were there first, before he became sick. (See *Nesivos* 156:2.)

86. *Chazon Ish, Bava Basra* 13:11.

## ☞ 4.95 ☞

The rule that “you come first,” applies to all of your personal legitimate interests. When your personal interests might cause harm or discomfort to others, *Chazal* have permitted some and forbidden others. Many of these issues are determined by custom,<sup>87</sup> and often they must be decided in *beis din*. Logically, since other people would also want the right to do what you did were they in your situation, it is not something that your friend does not like.

Therefore, if you are going to miss your plane unless you honk the horn at 2:00 AM, or if you want to make a *Sheva Berachos* which will generate noise later than 11:00 PM, you are allowed to, because that is understood among people. This is not restricted to activities that are mitzvos, but applies to any (permitted) activity.

## ☞ 4.96 ☞

If you can accommodate your neighbor without a problem, you must do so.

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87. See *Chavos Yair*, ch. 213.