



ERETZ HEMDAH

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יואל אפרים בן אברהם עוזיאל זלצמן ז"ל

Onions in Public

Question: I, an obviously Jewish man, was on an intercity train (3-hour trip) in Europe, and took out a salad with onions to eat. Someone sitting a few rows away came over to complain, so I closed it up. Later I went over to ask him why it bothered him, whether he was allergic, and he started cursing me. I wondered afterward whether according to Halacha, he had a right to prevent me from opening the salad.

Answer: The better guess is that your unpleasant encounter stemmed from blatant or partial anti-Semitism (i.e., onions disturb him greatly but he treated you abusively because you are Jewish). However, you did not ask and we will not offer opinions on how to react to anti-Semitism in its myriad forms.

Most of the discussion of the impact of

one person's property or actions on another person focuses on one who is rationally using their own property, but it also affects his neighbor (see Shulchan Aruch, Choshen Mishpat 155 at length). Included in the list of things that under certain circumstances are major offenses that can be protested are "bathrooms" and smoke, which are offensive to the smell (ibid. 36). The ability to complain is very similar in the public domain (see Tzitz Eliezer XV:39). Each of the people have the right to be there, but one should not cause undue hardship to the other.

Could food that many/most people enjoy be considered objectionable? Perhaps the most instructive source on this is an *aggadic gemara* (Sanhedrin 11a). Rabbi Yehuda Hanasi (Rebbe) was giving *shiur*, and one of the students had eaten enough garlic to significantly disturb him. Rebbe requested that whoever the "offender" is should leave the room. Rabbi Chiya, who had not eaten garlic, left the room, followed by all the others. When confronted by Rebbe's son, Rabbi Chiya said that he had to cause the exodus in order to save the offender from embarrassment.

The simple reading of the *gemara* is that Rebbe decided that the *talmid* had no right to go to a shared place with the smell of garlic, and that Rabbi Chiya agreed in principle, just that he felt that this needed to be carried out in a manner that protected the offender's dignity. It is possible to claim that the place of the *shiur* was Rebbe's personal domain, so that he could remove someone without "legal cause." However, it is unlikely that he would have

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taken a step in that manner without it being something that anyone could have demanded.

It is difficult to say clearly how to apply this to your case, as one might argue that garlic has a more potent and offensive odor than onions. Also, on a long train ride with many passengers, where people regularly eat full meals, it is more surprising that one would object to some onion in a salad than it would be to the same smell in a *shiur* room.

However, this does not totally close the door on protest. The *gemara* (Bava Batra 23a) discusses what we could call neighborly "super-offenses," in which even if one seems to have acquired *chazaka* (the affected party's implied acceptance of the situation), he can be forced to stop his usage. The *gemara* brings Rav Yosef's claim that even something that is not objectively considered damaging is treated as such if the affected person is particularly sensitive to it. The Shulchan Aruch (CM 155:39) codifies this ability of the sensitive to protest. On the other hand, he clarifies (ibid. 41; see Be'ur Hagra, CM 155:119; Aruch Hashulchan CM 155:33) that to enjoy special power to object one must prove his sensitivity. In your case, the likely

anti-Semite would have difficulty doing so, and he also preferred to curse you rather than explain any hardship on his part. Regarding future consideration, if you believe someone who is claiming hardship, you should refrain from eating rather than cause him to suffer.

It is likely that the operators of the train have guidelines that include such cases, which would obligate passengers. Therefore, if a dispute arises, one might seek assistance from a member of the staff, who may be familiar with the policies and/or able to suggest practical solutions. ■

Having a dispute?



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