

HARDELL SERIES®

# MERKAVA ELIEZER

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## THE LAWS & CUSTOMS OF DRIVING

NEWLY REVISED SECOND EDITION

BY RABBI ELIEZER KENISHTGAYEN

A PROJECT OF THE INSTITUTE FOR VEHICLE STUDY-JERUSALEM

SECOND REVISED AND EXPANDED EDITION

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## **NOTE TO THE READER**

The author takes no responsibility, *in this world or the world to come*, for the accuracy of the information contained here. It may be that all of these halachos are based on a misinterpretation of simple verses, and what is written as permitted may be forbidden and what is forbidden may be permitted.

Nonetheless, even if this work represents no actual worth, and the author will get no merit in this world or the next for this effort, and people will be misled, off the true path of Torah and *mitzvahs*, and will come to serve idols of gold, sacrificing their children and their children's children, on the alter of good intentions, may this be some small contribution towards the honor and respect of the holy day of Purim.

## **APPROBATION**

*Purim Kattan 5764*

*Though I never have read the manuscript, or met the author, I do know his sister-in-law in Bnai Brak, and she tells me that he knows what he is talking about. Thank G-d for that!*

*The Rugalacher Gaon*

# INTRODUCTION

Thanks to Hakadosh Baruch Hu, the Great Driver in Heaven, for His help in allowing me to humbly author this sefer and the revised and expanded Second Edition. As more and more Jews begin driving, taking their lives into their own hands, a whole new area of halacha has to be written so that the Ben Torah, interested in always doing what the Hashem wants, will be able to drive with the *yishuv da'as* that he is doing the *dvar nachon*, correct thing and *l'shma*, for the right reasons, and not, G-d forbid, in transgression of even the most minor of rabbinical prohibitions. It is armed with these *halochos* that the G-d fearing Jew of today can enter a car with the assurance that not only will he not transgress, G-d Forbid!, in any *inyanim*, important issues, but that his driving will be a kiddush Hashem, with herrings and those finger cakes.

Because of the great costs involved in the research and preparation of this book, the countless nights spent in research, the endless hours driving around with no specific purpose, sitting in agony over each and every word, the author wishes to thank his wife, his mechanic, and his psychologist.

This work is meant to be a reference, so you better ask a Rabbi, or a car mechanic before deciding on any issue of *toras mechonit*, the laws and customs of driving.

Thanks to Rabbi C. U. Inshule, Rabbi B. Seder, Rabbi I. M. Ashkenazy, Rabbi D. Oraysa, Rabbi N. Gettingwell, Rabbi I. O. Gelt, Rabbi Y. B. Frum, Rabbi Y. R. Rosesred who read and commented on this text, and whose comments I expressly rejected, making me feel much better.

Now that I have cemented this lucrative deal with Metzarah Press, I have more time to dedicate to my family, golf, and the internet.

Mrs. Slurpee Gross and Mrs. Shmaltza Zupnik, helped re-edit my first edition, and really deserve better names.

And of course, to the millions of readers who purchased the first editions, and wrote in their comments and suggestions, I am forever enriched.

Rabbi Eliezer Kenishtgayen  
Monsey NY, 10 Adar 5764

## AN OVERVIEW/ The Beauty Of Torah Cars

Driving is as American as Apple Pie, but is it Jewish? This question came in front of the learned sage of New York's famous Yeshiva, Mesibas Tipsheres Yerushalayim, Rabbi Moshe Kleinhosen, and he wrote lengthy reply. The issue at stake is the very essence of what it means to be an American and a Jew. Sadly the entire response was destroyed by a careless housecleaner who mistook the rabbi's papers for garbage, and shredded them to line the bottom of her bird cage. Soon there after, Rabbi Kleinhosen was called to the great Beis Din in the sky, where he is no doubt bored stiff.

Today we have great freedom in choosing a car, where and how to drive, and who to drive with. There are cars with internet, G-d forbid, and cars with bars. But there is more to driving than just what kind of car you drive. There is *how* you drive. This is discussed in a growing body of work called *Toras Mechonit*. The Nahag Yehudi, leading driving sage and founder of the Institute for Vehicle Study, Jerusalem, has led the field in this challenging and multifaceted area of halacha. His seventeen volume *Encyclopedia Mechonit B'Halacha*, is lauded for its concise style and wit. It will soon be translated into English, G-d willing.

To quote the Nahag Yehudi, "You drive, that is to say, you place yourself into a vehicle that moves on wheels, along a path that you control through the use of a steering wheel, and every where you go, there you are. You can never hide from G-d. He will find you. Statistically, men are worse drivers than women, yet men think they are better drivers. I once had an aunt from Petaluma whose snoring caused seismic tremors. Have you ever smelled a good car freshener? Rational improbability presumes exclusivity, augmenting systemic reactionary mechanisms, that halt all common inquiry."

## I. SHOULD I BE DRIVING?

1. According to most poskim driving is permitted. Some poskim hold driving a car forbidden. If you must drive a car because of any of the following reasons it is permitted: livelihood, to do a mitzvah, great need, great ego, leniency.<sup>1</sup>
2. Poskim forbade women to drive because “*kavod bas melech, hee b’ back seat.*”<sup>2</sup>
3. However, since today it is normal, *rachmana latzlan*, for women to drive, and no one likes schlepping, there is a heter for women to drive.
4. According to some poskim, senior citizens may drive in Florida.<sup>3</sup>
5. A *baal kaas*, someone who angers easily, is forbidden from driving by all poskim because of *lifnei iver*. (See VIII.16)
6. A *ben torah*, G-d fearing Jew, is permitted to drive, but must keep their eyes and head lowered. (See VIII.13)
7. A kollelnik may drive to and from the Beis Midrash, but may not drive a fancier car than his *shverer* (father-in-law).
8. Taxis are permitted by all poskim.(See VIII.4)

## II. WHAT CAR IS PERMITTED?

1. Any car produced after Tu Bshvat 1968 is permitted. There are poskim who only permit driving cars with safety features such as brakes and seatbelts.
2. It is permitted to drive in a sedan. However those who are *l’mehadrin* must drive a mini-van. The extremely pious, *mida chasidus*, should drive a car which already has 100,000 miles. According to the Zohar, a car should be dented and damaged as a external reminder of *golus*, exile.
3. Driving a Mercedes is forbidden, but one may be driven in one.
4. Driving motorcycles, pick-up trucks, sports cars, SUV’s, motor homes, snowmobiles, and jet skis are *nahag akum* and forbidden by all poskim.
5. Driving an SUV is also forbidden because of *baal tashchis*.<sup>4</sup>
6. Driving in a new car is permitted by some poskim.<sup>5</sup>

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<sup>1</sup> Pg. 36, The Disney book of Cars.

<sup>2</sup> Lit. The King’s daughter’s honor is best served by being driven, rather than driving others. Based on the Talmud, Poskim, and simple common sense.

<sup>3</sup> Is seeing past the hood required? The *Alter Kocker* of Miami challenges common assumptions, that in fact driving only requires one to see the end of the hood, and the rear view mirror. Rabbi Geshmutzewindel of Monroe vehemently disagrees, calling the *Alter Kackoer* a “Dried Plum” in reference to his Hungarian roots.

<sup>4</sup> “The 50,000 he spent on that fancy truck, could have provided education to hundreds of Jewish students, or meals for thousands of Jewish refugees.”

7. It is permitted to drive a car that has not been *toiveled* in the mikvah, but you may not heat up any cold food using the window defogger or engine block. If it is not heated up too hot, then b'diavad it is permitted.

### III. GETTING INTO THE CAR

1. One may get into a car through the door. Some poskim hold that it is preferable that this is done in an unusual manner, i.e. going through the window, backwards, or slowly.<sup>6</sup>
2. It is forbidden for a man and a woman to enter the car at the same time.
3. It is permitted to enter a moving car.
4. Children who sit in child seats should be put in the car first according to most poskim.

### IV. DRIVING

*Driving presents a myriad of halachic issues, which are too numerous to explore here in-depth. Please consult your Rabbi.*

1. Driving is permitted if you have a license, however, without a license you may only drive in Brooklyn.
2. All halachic authorities maintain that traffic lights must be obeyed.<sup>7</sup>
3. The time between when a light is changing from red to green, and from yellow to red presents several halachic issues. We are not sure exactly when red or green begins, and this is a debate among the recent poskim. Most poskim hold that even after a light has turned red, red does not begin until three seconds later. Likewise, a light, which is red, turns to green before it appears green (that is why it is permitted to “honk”). It is considered green at the moment that the driver second in line to

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<sup>5</sup> See the Detrouiter Rebbe's *Shaarie Auto*, and Rolbar of Los Angeles's *Kleine Frau Fun Pasadena*.

<sup>6</sup> Since entering into a car is taking your life into your own hands, especially today, with the meshugga drivers out there, it is not so simple that we can get into a car in a normal fashion. If it is actually forbidden to drive, which some authorities maintain, then if we are to be very stringent, we cannot enter a car in a normal fashion. Of course, this sounds absurd, but I am told of a very important American Television Documentary, *The Dukes of Hazard*, a priestly class of G-d fearing, red necked, Americans that entered the car through the window. If they enter through the window, *kal v'chomer*, Jews should enter through the window.

<sup>7</sup> Signs on the other hand are a matter of great dispute. The ferociousness of this dialouge is between two little known scholars that have say in the same seats for 22 years, the *Kol Sasson*, and the *Kol Hakavod*.

the light considers it green. A light that has turned yellow for all halachic purposes is still green.

4. According to all Poskim, use of your turn indicator according to one's father's *minhag*, tradition. If a woman, who uses the indicator, marries a man whose father does not use the indicator, she should change her *minhag*. If she does not, it is permitted.
5. Picking up passengers on the side of the road is a *mitzvah d'orayso*, a Torah commandment. It says in the Torah "Jacob went on his way, and angels of G-d encountered him." Most hitchhikers are actually angels. This is based on the Zohar.<sup>8</sup>
6. School buses with flashing lights can be passed if all of the following conditions are met: a) the bus is carrying children to a school where you would not send your child, and b) the car in back of you is honking the horn incessantly, and c) visibility is limited.
7. According to some poskim you may pull over for an ambulance if it is Hatzola. You must recite "*kel na refa na la*" three times and continue.
8. If you need to turn your car around: first turn your car to the right, at a four way intersection, as if you were going to turn right. Then crank your wheel back the other way turning left ahead of oncoming traffic, through the middle of the intersection, across the other side street, and then straighten out the car by turning right in the direction you need to go. This is call an O-U turn.
9. You may drive whether conditions permit or not.
10. Most poskim agree that the "speed limit" means that one should limit their speed. Poskim differ on how to tally the correct speed. According to one opinion, you add half internally, and another opinion is you add a half externally. So according to one opinion you take half and add this to the principle. In the other you double the speed, and the principle is half of the new number.  
30÷2=15. Add 30+15=45. Therefor 45 MPH is the recommended speed limit.  
30x2=60. Then 30=1/2x60. Therefor the speed limit is 60 MPH.
11. It is permitted to speak on the cell phone and drive under the following conditions:  
a) you are not using a hands-free device or b) you are using your other hand to make gestures or c) you are yelling at your kids in the back seat while looking into the rear view mirror.
12. In the event of an accident in a parking lot, put a note on the car that *ploni ben ploni* is very sorry for bumping into your car, and that you ask for *mechila* before Yom Kippur.

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<sup>8</sup> I learned about this at the Kabbalah Center.

13. If an accident is between two cars on the road – examine the damage, and judging the other favorably, assume that whatever damage there may appear to be, it probably occurred at an earlier time, and this person is not responsible.<sup>9</sup>
14. It is prohibited to use high-beam settings on your headlights because it leads to haughtiness, in other words, being a *baal gayva*.<sup>10</sup>

## V. USING A RADIO, TAPE AND CD PLAYER

1. It is forbidden to listen to the radio, and a G-d fearing Jew should remove their antennae from the car. It is not permitted to remove the antennae from other Jews' cars, however.
2. Torah tapes are permitted following strict guidelines. Since highways and roads are filled with immorality, you must pause the cassette each time you come into view of something immoral. You may listen to the tapes while parked in a garage.
3. CD's are permitted according to poskim who also permit Cholav Stam. However, those who prohibit imitation bacon bits also prohibit CD's.
4. Sefardim are permitted to listen to good music while driving. Ashkenazim may only listen to Uncle Moishe. German Jews may only listen to Wagner.

## VI. PARKING

*Parking is a very complex issue. Please consult your Rabbi for a final decision, using this as only a reference.*

1. If you park your car in a large parking lot, it is *hefker*, meaning “up for grabs.”
2. When you give your keys to a parking attendant, make sure to say the proper *Yehi Ratzon*.<sup>11</sup>
3. Most poskim rule that single parking, *makom rishon*, is forbidden and you must double park, *makom sheni*. A minority of poskim believe that double parking is prohibited, and recommend triple parking wherever possible, *makom shlishi*.
4. Parking fines can be deducted from *ma'aser*, tithes.

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<sup>9</sup> The *Dan L'cha Shtuss* was very strict on this issue.

<sup>10</sup> We must remember that every action we make brings us one step closer to moshiach. To see redemption, is it necessary to use high-beams? Do you think you are better? Really, you are a nothing, a *gornisht*.

<sup>11</sup> *Yehi Ratzon milfanecha, hashem, eloheyinu, vezrasainu, tishmor es machonit sheli me kol ra, v'kol scratch, mikol dent v kol ding, umikol ha ganavim she ovrin po. Baruch Ani Rotze Machonit Sheli B'Chazara.* May it be your will Hashem, our G-d and Helper, guard my car from all evil, and every scratch, from all dents and dings, and from all the thieves that pass by. G-d I want my car back.

5. Parking underground is a *tumah* problem for a Cohen. Cohen's should always park on the top floor of a parking structure. Levy's, Goldsteins, and Schwartz's can park on any floor.

## VII. OWNERSHIP AND MAINTENANCE

1. There is a serious and long debate among contemporary poskim about whether one should lease or buy a new car. Please ask your Rabbi.
2. Insurance, because it enables you to drive your children to school, can be deducted from *ma'aser*.
3. A licensed mechanic, under strict rabbinical supervision, should make repairs with a reliable *hechsher*.
4. It is permitted to change your oil on Chanukah.
5. Your car should be examined twice every three years.
6. Warning lights in a car are agents of the *yetzer hora*, and should be ignored. Many poskim recommend taping over the offensive lights.
7. Washing your car is *baal-tashchis*, needless waste of resources, and is prohibited.
8. Personal "vanity plates" are strictly prohibited, *chayev kares*, punishable by spiritual separation from the Jewish people.<sup>12</sup>
9. Every car must carry an emergency kit that includes tire gauge, flare, Shabbos candles, siddur, tehillim, clean tzitzis, kippah, and flashlight.
10. It is prohibited to fill your tank on Pesach with gas that does not have a hechsher. Today most gasoline contains up to 10% ethanol.

## VIII. SPECIAL ISSUES

1. Yichud  
This is the most common transgression among Observant Jews. Most just don't know the halacha. In order to avoid yichud, a woman can only drive in the same car as a man if she is: a) a close relative or b) biologically a man or c) in the trunk. However, according to all poskim, the third rows of most mini-vans are halachically equal to the trunk, and permitted. (See above about when a woman is driving minors.)
2. Chometz  
According to the Chometz Chaim Heritage Foundation, if you have children you must sell your car during mechiras chometz – the selling of leavening in your possession before Pesach – as it is technically impossible to clean the car properly.<sup>13</sup>

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<sup>12</sup> In other words you messed up so bad, who cares now!

### 3. Car seats

Since most car seats today are made of plastic they do not need to be checked for shatnez.

### 4. Taxi

It is permitted to go in a taxi, according to most poskim, even though it is a danger to the body which is normally forbidden. However, all companies need a reliable hechsher.<sup>14</sup>

### 5. Monsey Bus

There are no halachic issues of driving on the Monsey Bus.

### 6. Cars Mezuzah

Each door of a car may need a mezuzah, but there is a debate on which side to place the mezuzah. Therefore, when affixing your mezuzah do not say a bracha. The trunk does not need a Mezuzah, unless someone is riding there.

### 7. Kiddush after Shachris

There is a custom to drink a *l'chaim* for any insignificant event after *davening*. If the *l'chaim* was on Old Williamsburg whiskey, then one should refrain from driving. If the *l'chaim* was on single malt scotch whiskey, it is considered part of the one's spiritual preparation for the day,<sup>15</sup> and does not affect driving.

### 8. Dating

It is absolutely forbidden by all poskim for a man to pick up a woman for a date with his car. He may use a forklift, bicycle, or skateboard, as this is not directly prohibited. If she doesn't enter the car but rides in a separate trailer this is OK. If the back seat and front seat are separated by a solid mechitza, many poskim permit driving short distances.

### 9. Road kill

This is not acceptable schita.

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<sup>13</sup> Unscrupulous individuals running Pesach Car Cleaning Solons have been put in Herem in several communities. When asked what to drive, the Nogem Yehudi responded, "Since you will spending Pesach at some fancy shmancy resort, why do you need your car?"

<sup>14</sup> For a guide to Taxi Hechsherim see the Nahag Yehudi's famous sefer, *Yo Taxi!*. Some companies do not charge extra for leaning on their horns in your driveway while yours neighbors sleep.

<sup>15</sup> This is a continuation of the recitation of korbonos. The *Mechaye Mesim* rules that even after Old Williamsburg one may drive.

## 10. EZ Pass

Many poskim forbid EZ pass because “mechze k’gneva” and “maris eyin,”<sup>16</sup> - since it looks like you are not paying, and this would not be a good example for other Jews, and especially non-Jews to see, that a seemingly G-d fearing Jew is stealing from the authorities. It is better to pay in cash. If you have no other choice, stop your car in the EzPass lane, get out and make a verbal statement: “I hereby authorize EZPASS to deduct money from my account.”

## 11. Drive through windows

Some poskim permit drive through windows. However, there is a problem of Yichud is the teller is a women and driver a man. One should exercise restraint at all times, and keep their eyes closed during the entire transaction.

## 12. Bnei Torah, Kollel and Yeshiva Bachurs

Driving is permitted with eyes focused down. Baal Habatim may look at the road when driving.

## 13. Prayer

- a. Tefilas haderech, a prayer for travelers, should be recited when driving more than 3.26 miles or when you pass a Reform Temple, whichever comes first.
- b. When stopped at traffic lights, the correct Psalms to recite are 23, 150, and 7.

## 14. Shabbos

If you are wearing a seatbelt, you may drive on Shabbos, because you are wearing the car. However, the car must have started before Shabbos.

## 15. Road rage

When you feel anger, hostility, hate, wrath, ire, exasperation, annoyed, provoked, frustration, impatience, shortness of breath, revengeful, spite, malevolent, murderous, psychotic, or upset while driving — remember the wisdom of the Sages of Blessed Memory. If you can’t remember what they say then express your rage and violence to strangers, and this way you will be nicer to your family.

## 15. Air Fresheners

One should make a blessing on car air fresheners, but it is not suitable for Havdalah. In a shaas dachak, a tough bind, one may use it for havdalah.

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<sup>16</sup> Update—There are new EZPass lanes being used on some roads where the driver does not have to even slow down. This only worsens the problems mentioned.

Jews will find comfort in these pages and a helpful, common-sense guide to the challenges of life with a car.

—Dr. Phil

I especially liked the ice cream.

—Gov. Arnold Schwarzenegger

Full of practically nothing interesting, but I know he means well.

—Mrs. Kenishtgeyen, my wife.

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