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PARASHAT HASHAVUAH

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“All Are Righteous” – Really?

Harav Yosef Carmel

In this week's *haftara* we are comforted by a famous *pasuk*: “Your nation are all righteous (*kulam tzaddikim*), forever they will inherit the Land” (Yeshaya 60:21). In what context is the *navi* making this far-reaching claim? Is this about the rosy future, is it a condition for the redemption, or is it an unconditional appraisal of the situation? If the latter is correct, then the question is obvious: are we really all righteous people?!

The *mishna* (end of Sanhedrin) explains this *pasuk* in regard to the World to Come, citing it as the source for the statement: “All of Israel has a portion in the World to Come.” Even if some of the populace does not fully and properly keep the laws of the Torah, after they pay the price for their shortcomings, they will reach the World to Come, on some level, due to Divine Mercy. This is also the way the Rambam (Teshuva 3:5) explains the *pasuk*.

The *gemara* (Sanhedrin 98a) cites the *pasuk* as an indication of a very different idea. *Mashiach* will come only in a generation that is all virtuous or all liable, with our *pasuk* providing the support for the former possibility. In other words, **if** we will be all virtuous, then we will get that which we are awaiting.

The *gemara* in Pesachim (53b) cites the *pasuk* in a totally different context, as support for the idea that when there is a halachic disagreement, we say that both sides (even the one we reject) are righteous. (This is an important point in halachic pluralism, as is reiterated in the Biur Halacha, 143).

The *midrash* (Psikta Zutrata, Bereishit 27) takes the *pasuk* in a counter-intuitive direction. When Yaakov came disguised as Eisav, Yitzchak smelled his clothes (*begadav*) and blessed him. The *midrash* explains that *begadav* actually refers to *bogdav* (his traitors), and thus our *pasuk* says that even the wicked within Israel are considered righteous (and thus deserve blessing). This approach, again, seems to contain a self-contradiction, as the wicked are not righteous. The Zohar says that keeping *brit mila*, which was always widely done, makes one righteous. Bereishit Rabbati says that all Jews receive this distinction as members of the nation that accepted the Torah at Sinai. Rav Tzaddok Hakohen says that it refers to the idea that all Jews, even if they are lacking in some areas, are righteous in at least some *mitzvot*. All three of these approaches found a way to reconcile the statement with apparently different facts on the ground, and each explains that righteousness in this context is not as far-reaching as we might expect.

The Noam Elimelech has a very different approach to “*kulam tzaddikim*.” Every individual sins, which makes it difficult for him to be considered perfectly righteous. However, if he is attached to *kulam* (to the nation as a whole) then he can tap into what is right in the nation, which the *pasuk* tells us is considered perfectly righteous. Individuals can be lacking; the collective cannot.

Let us always focus on connecting ourselves to the collective in Israel and remember, as the days of mercy and forgiveness approach, that in order to be successful on Yom Kippur, it is crucial to be willing to pray with sinners.

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Ask the Rabbi

by Rav Daniel Mann

Question: I have a roommate who understood he was joining a *Shabbat* observant apartment. Recently, when I was away, he used our joint pot to cook on *Shabbat*. Do I have to *kasher* it?

Answer: This answer does not deal with the complex issue of sharing utensils with someone who is not consistent regarding basic halachic requirements.

The answer to this question contains a few surprises. You seem aware of the prohibition to eat food cooked in a forbidden manner on *Shabbat*. We accept the opinion that the prohibition is only due to a rabbinic injunction to penalize one who violated *Shabbat* (Ketubot 34a). Your excellent question is whether the prohibition extends to utensils.

Some connect this to the question of whether pots in which a non-Jew cooked kosher food (*bishul akum*) need to be *kashered* (see Shut Ktav Sofer, Orach Chayim 50). The Shulchan Aruch (Yoreh Deah 113:16) cites two opinions on that matter and slightly prefers the stringent opinion. However, there is more room for leniency regarding food that is cooked on *Shabbat*. *Bishul akum* is under the category of forbidden food, which usually requires *kashering* utensils. In contrast, the prohibition on the food cooked on *Shabbat* seems to be more generally to prevent benefit from a perpetrated prohibition (Nefesh Harav, p. 174, in the name of Rav Soloveitchik and his father). Two indications of this are the fact that the prohibition is not equal to all people (Ktav Sofer, *ibid.*) and the fact that the same prohibition applies to non-foods worked on during *Shabbat*. Since there is no real benefit from trace quantities that seep out of a utensil, it makes sense that the utensils do not become forbidden. After 24 hours have passed since the cooking, there is further reason for leniency because any taste that comes out is assumed to be spoiled to the point that it does not forbid the food cooked in the pot (Pri Megadim, Eshel Avraham 253:39). Despite all of the above, the Magen Avraham (318:1) and the Mishna Berura (318:4) seem to require such pots to be *kashered* (see explanation in Minchat Shlomo I, 5).

The above, though, is likely irrelevant to you. After all, we accept Rabbi Yehuda's opinion that even if food was cooked intentionally on *Shabbat*, it is prohibited after *Shabbat* only for the person who violated *Shabbat* (Shulchan Aruch, Orach Chayim 318:1). There is a question whether the food is forbidden also for the person on whose behalf the food was cooked (see ambiguous language in Magen Avraham 318:2). However, the consensus is to permit it (Mishna Berura 318:5). (If the *Shabbat* violator intended to profit by giving it to another person, e.g., a restaurant owner who cooked on *Shabbat* so he could sell the food after *Shabbat*, the matter is more severe (Ktav Sofer, *ibid.*.) In any case, while your roommate knew you would be using the pot later, presumably he cooked the food for his own use. Therefore, you should have no problem using the pot as is.

However, there is a twist. While you may use the pot, perhaps your roommate may not. If he mustn't use the pot, then you may violate *lifnei iver* (putting a stumbling block before those who do not know better than to violate the Torah). On the other hand, we saw that there is much room for leniency in the matter even for your roommate, and the worst-case scenario is not that severe (as the food cooked in the pot will be permitted after-the fact). Therefore, the rules of *lifnei iver* are highly unlikely to apply (the rationale is beyond our scope).

In the final analysis, you are not required to *kasher*, and this is all the more so if doing so will send the wrong message to a roommate, who you want to love a Torah lifestyle, not resent it. On the other hand, *kashering* can also send an important message: you are disturbed by the *chillul Shabbat* that occurred in your apartment (by someone who pledged not to do so), and it affects your quality of life. *Kashering*, while being a big stringency here, is not a charade. It is your apartment and your relationship, and you can/must make the call.

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The Connection Between Thanking Hashem for Physical and for Spiritual

(condensed from Ein Ayah, Berachot 7:35)

Gemara: [After bringing a source for *Birkat Hamazon*, the *gemara* looks for a source for *Birkat Hatorah*.] I only know about a *beracha* on food. How do I know about a *beracha* on Torah? Rabbi Yishmael said: It is learned from a *kal vachomer*: if one makes a *beracha* on that which gives him temporary life, is it not more clear that he makes on life in the World to Come?

Ein Ayah: It is fitting that the obligation of a *beracha* on Torah's goodness is derived from the appreciation we show Hashem with *Birkat Hamazon*. A person is not able to recognize directly the essence of a matter of true, spiritual and eternal goodness. It is beyond his level, as his life and feelings are fleeting. They are directly related to his temporary, present life, which he knows through his natural side. Torah, with its greatness and its eternal nature, is beyond a person's level, and its full value will only become clear to him in the future.

Therefore, the best approach is to make an unequal comparison between food and Torah and say that if he is grateful for a fleeting enjoyment in one's temporary life, certainly he should be grateful to no end about that which brings him to the World to Come. If a person wants to be grateful for Torah without comparing it to worldly benefit, then although he knows that Torah has great value, he still will not have the same feelings of thanks that he could have. That is why we specifically learn the source of the *beracha* from this *kal vachomer* in order to involve also his physical side, extrapolating from the less important to the more important.

This furthers the connection between involvement in temporary life and eternal life. The greatest purpose of actions that give temporary life is to enable one to function so that he can acquire eternal life. Even one's spiritual element, which elevates him to the point that he appreciates his Maker's gifts, including his physical world, is aligned with the "gateway" leading to the highest level of appreciation for eternal life. Along the same lines, the soul is sustained by the internal element of food, as the Arizal explains on the *pasuk*, "For man does not live on bread alone, but on all that which emerges from Hashem's mouth man shall live" (Devarim 8:3).

Hashem's Part in What Looks Bad

(condensed from Ein Ayah, Berachot 7:36)

Gemara: From where [do we know] that as we bless Hashem for the good, we do so for the bad? For this the *pasuk* (in the context of *Birkat Hamazon*) says: "... that Hashem, your G-d, gave to you" (Devarim 8:10) – He is your judge with every judgment He makes, whether He uses the "good" approach or the harsh approach.

Ein Ayah: To fully appreciate Hashem's manner of leading the world, one needs to know that Hashem has total power to act, in which case He could prevent any situation which we know as bad. Therefore, we know that everything we consider bad is and will eventually be recognized as totally good [according to its situation].

This is different than the philosophers' approach that there is, by necessity, a physical element that cannot allow good things without bad ones. While they thereby "clear" Hashem of responsibility for the bad, according to them, one cannot bless Him for it either. However, the Torah approach posits that Hashem does all He desires, in which case, everything stems from a good and just judgment. In that way, He is referred to as our judge, who has the power to rule with straightness and wisdom. Therefore "bad" deserves a *beracha* just like "good" does.

This idea is written in the context of *Birkat Hamazon* because the need for food and connection to the material seems negative. However, this is what the entirely good Hashem decreed, and, therefore, all its elements must be good. We learn specifically from that point that everything that looks bad is actually part of a deep Divine plan.

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A Dayan Who Joined the Court After the Claims Were Heard

(based on Shurat Hadin, vol. VIII, pp. 533-539)

What happens when *beit din* hears the litigants' presentation of their claims and then one of the *dayanim* retires before the ruling is rendered? Is it possible for a new *dayan* to render an opinion based on the account he heard from the other *dayanim* or by reading the transcript?

The Rama (Choshen Mishpat 3:1) says that if there is no *dayan* who knows how to render a decision, local people can hear the claims and send them elsewhere for knowledgeable *dayanim* to render a ruling. This implies that hearing the claims and rendering rulings can be separated. However, the Rama is talking about a special dispensation made for a town that has no valid *dayanim* and must prevent anarchy. The Sha'ar Mishpat (3:3) infers that, otherwise, only one who hears the claims can rule.

If the litigants accept the jurisdiction of the new *dayan*, that acceptance obviates the need for a proceeding that follows normal guidelines. In a case where litigants were only made aware of the existence of a new *dayan* and did not comment, the following sources apply. The Yerushalmi (Sanhedrin 1:1) says that when the sides went before a lone expert *dayan* without comment, this is considered acceptance of him to rule on his own. However, the Shvut Yaakov (I, 137) says that this is unique to a lone expert, who is fit to judge, even though it is normally avoided. The Bach (CM 5) does allow it for those who require special acceptance but only when both sides came of their own volition, and not when one side just answers a subpoena. Thus, the fact that a litigant does not protest is insufficient, as he may just not want to stir up problems for himself. The Rashba (cited by the Beit Yosef, CM 13) says that one has to be sure that a change from the normal procedure has been accepted by the sides.

The Shulchan Aruch (CM 13:6) describes the use of experts who did not hear the case as "sending their opinions to *beit din*," but the *beit din* of three who heard the case has to actually render the decision. According to the Tur, the local *beit din* is allowed to be a "rubber stamp" for the opinion of the expert *beit din* who sent their opinion, but even he requires the full *beit din* who heard the case to present their full findings to the other *beit din*. It is insufficient to simply hear the case and pass on a transcript. In fact, according to the consensus of *Rishonim*, not only may *beit din* not hear witnesses via a translator, but they cannot hear the litigants through a translator or through written account without special permission (Shulchan Aruch, CM 13:3). The S'ma explains that hearing the litigants directly gives the *dayanim* a better chance of coming to the truth.

For this reason, the regulations of the Beit Din Procedures (#71) say that if a *dayan* needs to be replaced, *beit din* will decide whether to continue or begin the case again after discussing the matter with the parties.

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