



HEMDAT YAMIM

Parashat Hashavua

Balak 12 Tamuz 5783

Harav Shaul Israeli zt"l
Founder and President

He Did not Look at Iniquity in Jacob
Harav Yosef Carmel

In the political realm, it so often seems that the standard behavior is to vilify one's political adversary, as if one truly believed only he himself can be correct. This is unfortunate because it weakens the national sense of unity that is so important for national success. Through study of the blessings of Bilam, we can try to see how one Jew should look at another Jew.

Bilam declared: "He [Hashem] did not see iniquity in Yaakov nor did He see impropriety in Israel. Hashem his G-d is with him and the closeness (*teruah*) with the King is with him" (Bamidbar 23:21). Our simple translation is along the lines of Unkelos – Bilam saw that there was no trend of idol worship, lying, or other impropriety in the nation.

Rashi goes a step further: even when the members of the nation do not follow Hashem's instructions properly, He does not treat them as sinners to the extent He might. Hashem's being with them and His closeness is even when they do things to anger Him. Thus, according to Rashi, Hashem looks at us particularly favorably, even when we do not deserve it. The connection between the Divine Presence and the Congregation of Israel cannot be broken, as the *pasuk* says, "Your nation are all righteous" (Yeshayahu 60:21; see Sanhedrin 10:1).

Rabbi Chaim ben Atar (author of *Ohr Hachayim*, whose *yahrtzeit* is around now), one of the early trailblazers of our national regeneration, who moved to Yerushalayim more than 200 years ago, would also look to justify the actions of Israel. He says, on our *pasuk*, that the negative actions are not able to make the negative imprints we might expect. This is along the lines of the *pasuk* "You are totally beautiful, my beloved, and there is no blemish in you" (Shir Hashirim 4:7). The *Ohr Hachayim* explains that the sin does not make a permanent blemish but rather creates dirt that can be removed by washing. Bilam also was forced to teach us that even when a simple Jew sins, he remains a good Jew in his essence.

We will end off with the homiletic ideas of Rabbi Levi Yitzchak of Berdichev, the great "defense attorney of Israel," in his *sefer* *Kedushat Levi*, regarding our *pasuk*. He says that Hashem's love for Israel "ruined the objective standards," so that when they sin, Hashem does not look at the sin. As the end of the *pasuk* indicates, when they do good, Hashem connects Himself to them and their positive actions. The word *teruah*, according to this approach, is the breaking, i.e., the distinction that Hashem makes between His relating to our positive and negative deeds.

Let us put matters in perspective as follows. Whoever has fear of Heaven in his heart and wants to cleave to the ways of Hashem, whoever feels that the State of Israel is important to him and sees it as the "the beginning of the flowering of our liberation," should adopt the approach of the giants we have surveyed here. He should adopt Rashi's love without conditions and boundaries, as Hashem does. He should emulate the *Ohr Hachayim's* and *Rav Levi Yitzchak's* ideas of not viewing Jews as innately flawed. Even if we do, as we may, disagree with our compatriots, we should focus on their merits.

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Those who fell in wars for our homeland. May Hashem avenge their blood!



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Ask the Rabbi

by Rav Daniel Mann

Using Dishes of Unknown Type

Question: Years ago, someone (*kashrut* observant) gave me a set of used china dishes. I do not remember whether the dishes are for meat or dairy (or who gave them to me). Is there a way I can use the dishes?

Answer: There are several potential (complicated) grounds for leniency, whose cumulative effect will power our recommendation. One should not reach conclusions about each one based on our short presentation.

After a utensil (*kli*) has not been used for hot food for 24 hours (*eino ben yomo*), the taste it gives off is assumed to be *pagum* (spoiled), and, for the most part, the *kli* does not prohibit other hot food that is put into it (Shulchan Aruch, Yoreh Deah 122:1-2). It is rabbinically forbidden to use the *kli* out of concern that people will not wait sufficiently (*ibid.*). However, Rabbi Akiva Eiger (Nidda 27a), discussing your case, reasons that if we are not sure about kosher *keilim* whether they are meat or dairy and 24 hours have passed, one can use the *keilim* based on a *safek d'rabbanan* (a doubt whose worst-case scenario is a Rabbinic prohibition).

It is difficult to rely on this source alone. For one, it is unclear that this leniency is accepted. Also, it is possible that one should not use such *keilim* in a way that sharp foods (e.g., onions) can absorb taste from them (see Shulchan Aruch, YD 96:1; Badei Hashulchan, YD 93:18). Also, R. Akiva Eiger relates to earthenware, which we normally assume cannot be *kashered*. If they can (see below, opinions, including of R. Akiva Eiger), it is possible we would not employ halachic leniencies without *kashering* (see Shulchan Aruch, YD 102:3 with commentaries).

In this case, another grounds for leniency is that the dishes have not been used for 12 months (*yishun*). Some sources raise this as a leniency in various contexts based on the assumption that absorbed particles have “dried up” (see Shulchan Aruch, YD 135:16). Rav Moshe Feinstein (Igrot Moshe, YD I:43) joins that leniency with another that applies here – the *kli* has not absorbed *treif* but kosher meat or dairy particles, whose issue is that they **can become** *treif* if mixed improperly with the opposite type. Therefore, he reasons that after *yishun*, we should not halachically have to worry about the absorbed particles causing problems. Another lenient factor is that considering you ask about dishes, not pots, the potential absorption is mainly from food that is hot on the level of *kli sheini* (not in the *kli* it was cooked in), which lowers the chance/intensity of absorption (see Shulchan Aruch, YD 105:2; Shach ad loc. 8; Igrot Moshe *ibid.*).

The approach that Igrot Moshe (*ibid.*) practically recommends in a case of need for one who wants to sell dishes to another to use for the opposite type, is to try to *kasher* the dishes. Although earthenware cannot be *kashered* (Pesachim 30b), in regard to *keilim* that have undergone *yishun*, we can rely on doing *hagala* three times to *kasher* even china in case of significant loss (Igrot Moshe *ibid.* and YD II:46; Bemareh Habazak II, p. 68). (A whole set of china qualifies for most people as such a loss). Also, not all agree that glazed *keilim* are like earthenware, for which *kashering* does not work (Igrot Moshe *ibid.*). The possibility of *kashering*, though, makes it more difficult to rely on the aforementioned R. Akiva Eiger, without *kashering*. Actually, in a responsum (I:49, cited by Pitchei Teshuva, YD 110:19), R. Akiva Eiger is lenient only after *hagala* three times.

There is a *minhag* (see Magen Avraham 509:11) not to *kasher keilim* from meat to dairy use and vice versa. However, because this case contains a few indications for leniency in the matter (*yishun*, it is the only way to use the *keilim*, *hagala* is needed only based on *safek*, it is not being done by the person who used it for the other type), this *minhag* should not prevent *kashering* here (see Living the Halachic Process I, E-3).

In summary, doing *hagala* on the dishes (in a pot of the type for which you want to use it) three times is called for and sufficient, based on a preponderance of grounds for leniency.

“Behind the Scenes” Zoom shiur

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Igrot HaRe'aya - Letters of Rav Kook

Jewish Art – The Positive and Halachic Care – #158 – part II

Recipient: The heads of the Betzalel organization for Jewish art. The head of Betzalel, Boris Shatz, had been a yeshiva student before studying sculpture, which puts the style of the letter in perspective.

Body: Last time, we saw Rav Kook's remarks about the reawakening of the Jewish spirit in Eretz Yisrael. He started to compare the people to a sick young girl whose emergence from deep illness began with asking for a doll.

Beloved Yerushalayim, the *shoshana* (rose) of the lowlands (see Shir Hashirim 2;1), the dear daughter of Zion, this is the dear daughter, who has been sick with the disease of the bitter exile, which has been both long and degrading. Her sons forgot her, and many gave up on hoping and living for her due to a weakened heart. Now, a flow of life has made their tormented and sick bones tremble in a pleasant way. She demands beauty, art, and craftsmanship (parallel to the doll).

Those who calculate may say that the timing is inappropriate, as there are more pressing needs to attend to first. This may be, but the demand comes from the heart of Yerushalayim's sons, from her spirit which she poured onto them. These demands are themselves a sign of life, hope, salvation, and consolation.

It is important to know that this sign of life is not devoid of actual content; it also has a productive benefit. The important field of the art of beauty can bring blessing and open the gates of a healthy livelihood for many families among our brothers who live on the holy soil. Thereby, "its fruit shall be for eating, and its leaves for medicine" (see Yechezkel 47:12).


It will also open the feeling for beauty and purity, in which the dear Sons of Zion are very talented. Art will uplift afflicted souls and provide them with a clearer outlook that is more full of light about the grandeur of life, nature, craftsmanship, and the honor of work and diligence. These are lofty principles that fill every Jew's spirit with feelings of joy and grandeur.

These positive hopes, which we focus on due to your new, honorable movement, give me enough bravery to speak in your ears, respected sirs and beloved brothers. I refer to a different matter and realm, ostensibly very far from the field of beauty and art – rabbinics. However, I hope that what I will say will be beneficial. Simple information can remove a multitude of terrible stumbling blocks from our path. Then we can turn to the path of benefit and embellishing our spirit's desires, for the glow of splendor and beauty, to overcome and appear on our nation in our Land and our holy city.

Regarding the general love of artistic beauty, which finds expression in actual human-made works, our nation always relates positively, but with limitations. We carefully avoid intoxication and exaggeration, even in the loftiest matters. Justice guides our path. Our holy sources say, "Do not be overly pious" (Kohelet 7:16). Wisdom is the light of our lives, and yet we say, "Do not be overly smart" (ibid.). "Eating an abundance of honey is not good" (Mishlei 25:27). This is the rule that encompasses all elements of our nation's life. We will never be addicted to a specific idea to an extent that we will drown in its depths to the degree that we will be unable to give a boundary; we do not allow its hold to broaden endlessly.

When the limitations come to rein in good, innately lofty things, the limitations are gentle and soft, like a fence of roses (see Shir Hashirim 7:3), which suffices to prevent breaches (Sanhedrin 37a). Drawing a significant line is enough for *Am Yisrael*. This line holds the insignia of barriers for the honorable idea, considering that which is above it. It is sometimes enough that it reaches its desired spirit with one clear point without blemishing the special storehouse of the human spirit by applying metal chains.

We continue next time with details on the limitations.



**Tzofnat Yeshayahu-
Rabbi Yosef Carmel**

The Prophet Yeshayahu performed in one of the most stormy and dramatic periods of the Israeli nation's life, a period of anticipation for the Messiah that was broken by a terrible earthquake, and also caused a spiritual and political upheaval. The light at the end of the tunnel shone again only in the days of Chizkiyah.

"Tzofnat Yeshayahu – from Uziya to Ahaz" introduces us to three kings who stood at this crossroad in our nation's history: Uziya, a king who sought God but was stricken with leprosy because of his sin; Yotam, the most righteous king in the history of our people; And Ahaz, the king who knew God but did not believe in His providence.

In his commentary on the prophecies of Yeshayahu, Rabbi Yosef Carmel, Head of the Eretz Hemdah-Gazit rabbinical court and a disciple of Rabbi Shaul Israeli zt"l, clings to the words of Hazal, our sages, and to the commentaries of the Rishonim, the great Jewish scholars of the middle ages, and offers a fascinating way to study Tanach. This reading attempts to explain the Divine Plan in this difficult period and to clarify fundamental issues in faith. Tzofnat Yeshayahu reveals to the reader the meaning of the prophecies in the context of the prophet's generation and their relevance to our generation.

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P'ninat Mishpat

Did the Renovations Cause Damages?

(based on ruling 82101 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The plaintiff (=pl) hired the defendant (=def) to do renovations in his father's (=fath) apartment, including work in his bathroom, such as changing the tiles and switching the bath, but not the pipes under the bath. A few months later, a leak appeared in the apartment of fath's downstairs neighbor (=nei). Def, who lived at a distance, told fath's family that it sounds like it came from the heating system, and closing it off seemed to help. Pl and his brothers took care of fixing nei's damages. Half a year later, there was another leak by nei and cracks developed in some of the tiles that def installed. Def replaced the cracked tiles, even though he claimed that the cracks came from movement of the ground, not flawed installation. A few months later, there were further cracks in the tiles and water stopped flowing to the bath's drain. Def said he would come to deal with the situation if pl would bring a neutral expert to assess if the problems stem from def's work. Instead of arranging this, pl's brother hired a different contractor to fix the problem; he took 7,000 NIS. Based on what the second contractor said to pl's brother, pl claims that def changed things under the bath, using the wrong material, and he is therefore responsible for the damages. Pl demands 10,000 NIS for various outlays and distress. Def denies making those changes and says that if he did, he would know not to use the material that was claimed.

Ruling: Pl does not have proof that def's actions caused the damages. Of course, one of the major rules in monetary law is that one who wants to extract money has to prove it is called for (Bava Kama 46b).

On the other hand, in many cases, the one who denies a claimed financial obligation has to make a Rabbinic-level oath (*shvu'at heset*) that the claim is not true. In lieu of the oath, which is no longer administered, a partial payment is made. However, the plaintiff's definite claim is a requirement of a *shvu'at heset* (Shulchan Aruch, Choshen Mishpat 75:17). In this case, pl claims that he knows that def is responsible, but this knowledge comes from what his brother says in the name of the second contractor. Regarding such a case, the Rama (ibid. 23) cites two opinions on whether one can administer an oath based on the testimony of another, who did not testify in *beit din*. Even according to the opinion that this is a valid source, that is only when the litigant can attest to the witness's reliability, which pl is not able to do. Therefore, there is no need to award pl money by means of compromise.

There is another reason that pl has little room for complaints against def. Def responded promptly and responsibly to fix that which needed fixing, even when it was likely not his responsibility, and he was willing to continue doing so, if a neutral expert thought he was responsible. It was pl's brother's decision to have someone else take over the work and make it impossible to figure out if def was responsible. This is another reason not to take any payment from def without proof.

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