HEMDAT YAMIM חמדת ימים

Parashat Hashavua

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Harav Shaul Israeli zt"l
Founder and President

The Right Address for a Grievance

Rabbi Daniel Mann

The first human to be born, Kayin, got mankind's second generation off to a bad start. We find Kayin morally failing twice. The second time is clear cut – he killed Hevel. The first one is less clear. It is related to Kayin's offering to Hashem, which was not accepted favorably (Bereishit 4:5). There are different approaches whether the way he offered was itself a sin or whether the divine disapproval was the sign of a sin. Rashi (ad loc. 3) implies that the problem was that he brought his worst produce as the *korban*. Targum Yonatan (ad loc. 8) tells of the debate between Kayin and Hevel. Kayin claimed that Hashem does not act in accordance with a person's merits, and that it was unfair that Hashem accepted Hevel's offering and not his. Hevel replied that Hashem follows a fair system of accountability and that Kayin's *korban* was not accepted because Kayin's deeds were not on the level of Hevel's. This implies that his actions in general, rather than the *korban*, was what was lacking.

The Torah presents Hashem's response to Kayin's disappointment explicitly: "Why are you angered, and why did your face fall? Indeed, if you shall do well, you will be accepted, and if you shall not do well, sin lies at the entranceway" (ibid. 6-7). Targum Yonatan's account of the subsequent debate between the brothers is strange, considering that Hashem had already explained the situation. *Pasuk* 8 also contains a strange phenomenon. It starts: "Kayin said to his brother, Hevel," but the Torah does not present any dialogue. We appreciate why Targum Yonatan suggests what was said, but why doesn't the Torah do so?

Perhaps the Torah is hinting that the notable thing about Kayin's response was its address. He did not take up his grievance over Hashem's insulting him with Hashem, but immediately threw his grievance at and on Hevel. That would explain the lack of dialogue, to highlight to whom he said it. Hashem urged Kayin to do *teshuva*, but he chose to act violently toward his brother.

After the second sin, Hashem once again engaged Kayin. Kayin first reacted with denial, and then, according to Midrash Tanchuma (Bereishit 9), he started debating Hashem. To paraphrase: "You, Hashem, are responsible for Hevel's death for three reasons: You gave me a *yetzer hara*; You made me jealous of Hevel; You did not protect Hevel." Criticizing Hashem sounds heretical! Yet, after citing Kayin's additional complaints against Hashem, the *midrash* posits that Kayin did *teshuva*, which Hashem largely accepted.

How does one do *teshuva* while "bawling out Hashem"? Certainly, Kayin had to improve **how** he related to Hashem, but the fact that **he did** relate to Hashem was a step in the right direction in dealing with his shortcomings. This is reminiscent of Iyov and his friends-turned-critics. With Iyov suffering, his friends said: "Hashem is perfect, so you must be a sinner." Iyov said: "I have complaints to Hashem because I know I do not deserve this suffering. I want to debate Hashem!" (Iyov 23:3-4). Although we believe in *tzidduk hadin* (accepting harsh divine rulings), Iyov's engaging Hashem strongly did not prevent Hashem from supporting him (ibid. 42:7). So too, Kayin first got right that his grievance was with Hashem, and eventually figured out how to turn this into *teshuva*.

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Ask the Rabbi

Bereishit

by Rav Daniel Mann

Culinary Torch for *Milchig* and *Fleishig*

Question: Is it permissible to use the same culinary torch (a small handheld butane fire-tool for browning food) for *milchig*, *fleishig*, and *pareve*?

Answer: While there is not much halachic discussion about this relatively new tool, applying the time-tested rules should provide a direction.

One concern is that since the torch is held mere inches from the food, it can unintentionally touch *milchig* and *fleishig* food in succession and transfer taste due to the heat. Because the part of the torch from which the flame emerges becomes extremely hot, food that touches does not always have a chance to properly absorb (see Shulchan Aruch, Yoreh Deah 92:6) and possibly the area is considered *kashered* by continued use (see Hagalat Keilim (Cohen) 13:(85)). However, the parts of the sides of the nozzle are the right temperature to absorb and be affected.

It is critical though that the torch is not meant to touch the food. Admittedly, there are times that *Chazal* or classical *poskim* were stringent due to concerns that unintentionally, things would touch or food would fall into food (see Shulchan Aruch and Rama, YD 88:2). On the other hand, Halacha often allows us to allow dangerous proximity. For example, the Shulchan Aruch (YD 108:1) permits roasting slabs of meat and dairy near each other in a somewhat big oven (the Rama **prefers** avoiding it). Later *poskim* generally do not turn such concerns into formal prohibitions. So, this concern does not preclude using the torch for both. Of course, if the torch touches a food, one must calculate the consequences. The worst-case scenario is if the sides of the torch touch opposite foods within 24 hours of each other (see Shulchan Aruch, YD 103:5). We will omit further detail.

The other concern is that splatter or vapor will rise from the food up to the torch. As above, the primary concern would be on that which lands on the **sides** of the nozzle, where splatter would not burn instantly. Regarding vapor, Halacha distinguishes between two types: 1. A relatively dry or non-concentrated vapor, which is called *reicha* (smell) because the particles that are transferred are noticeable primarily by odor, as our nasal receptors are sensitive to trace quantities of airborne particles. Halachic taste is imparted by such vapor only in certain closed-area circumstances (see Rama, YD 108:1). Higher density liquid (*zeiah* – "sweat") can transfer halachic taste between foods and to and from utensils (see Shulchan Aruch, YD 92:8). In short, hot liquids transfer taste; hot air generally does not. My limited research informs me that culinary torches are used to singe/brown only the surface of relatively dry foods, and one must move the flame relatively quickly from place to place. Therefore, it is rare for the torch to produce *zeiah*, and taste transfer should not occur.

Let us be pessimistic, for the sake of exercise or caution, and assume that occasionally significant milk/meat will reach the sides of the torch nozzle. Even if so, there is no way (other than the torch touching the food) to get it to another piece of food. According to some, if one pours liquid from one utensil to another, the recipient utensil can return some taste to the source utensil. But that is likely a *chumra* (see Living the Halachic Process V, E-3), and it is unlikely to apply to minimal steam between them. It is plausible that a droplet of condensation will drop from the nozzle to the food, but this small amount would be *batel* in the food. Although we must not set up situations in which we will have to rely on *bitul* (Shulchan Aruch, YD 99:5), this is not the case here. We do not expect anything of halachic significance to fall in, and we are just covered by *bitul* if by chance it does.

Therefore, it appears to be permitted to use the same culinary torch for *milchig* and *fleishig*, even though occasionally a problem could arise. Here is our advice for those who prefer *chumra*/caution. Assuming it is uncommon to use the torch for *fleishig*, increase the distance from any meaty food you are browning.

"Behind the Scenes" Zoom shiur

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Moreshet Shaul
(from the works of Hagaon Harav Shaul Yisraeli zt"l)

Bashfulness

From Siach Shaul, Pirkei Machshava V'Hadracha p. 462; an article for the Kfar Haroeh bulletin, 1963

Chazal enumerate three definitive characteristics of the Jewish people: they are merciful, bashful, and perform acts of kindness (Yevamot 79a). While mercy and kindness are still somewhat recognized as admirable virtues, the trait of bashfulness has for some reason been pushed aside. People have begun to feel embarrassed about being embarrassed.

Showiness has almost turned into a badge of honor in describing the generation born in *Eretz Yisrael*. To any display of disrespect or disregard for an elder's dignity or accepted manners, the explanation is simple: "He is a s*abra*... (one born in Israel)."

In truth, the quality of bashfulness – whose inner substance is a healthy internal restraint that installs self-criticism within a person regarding his desires, impulses, and behavior – is deeply interwoven with those other traits. Scorn toward bashfulness harms the development of those other virtues as well, damaging a Jewish soul's very fabric.

"… and walk humbly with your God*"* (Micha 6:8). Humility, acting with reservation, and the fear of Heaven are essential if a person is to reflect upon Hashem's attributes. Long ago, Iyov raised questions that reverberate in the world to this day – did Hashem get confused, asked Iyov, as if we could say so, between Iyov and "*oyev*" (an enemy). Yet Judaism knew how to transform such questions into a trigger for purification and sanctification. One should say: "My suffering cleanses me." In contrast, *"*a harlot's forehead, refusing to feel ashamed*"* (Yirmiyahu 3:3) is used by the prophet to describe the generation whose behavior brought about the destruction of the *Beit Hamikdash*.

Bashfulness and modesty are critical for a young generation coming of age and gradually integrating into full contributors in society. Without these traits, they will see only the missteps of their predecessors without wanting to understand their causes or appreciate the positive elements in what they have created. They are liable to trample their achievements and be reminiscent of the Rabbis' parable of a child who sits upon on his father's shoulders, protected from hardship, yet who wonders and asks: "Has anyone seen my father?..."

Modesty is required for a person to cover his "nakedness" and fight off the inclination to make peace with his base instincts and notice how man is superior to animals. It enables him to submit willingly to the safeguards of the Torah and subsequently the Rabbis, to prevent primitive desires from taking control over him and turning him into a disgraceful creature which looks only as far the fleeting moments of temporary pleasures.

Certainly, the evil inclination lives within us. It is foolish to ignore it, and it is fully criminal to make peace with it. On the one hand, we should not claim to be angels, but we must also not say, "This is just who we are, and we cannot be any different..." Bashfulness is the mother of learning, and learning is the father of repair and self-improvement.

From bashfulness in thought, we move to bashfulness and modesty in daily behavior. The complete lack of standards on the beaches in Israel has made us almost indifferent to the phenomenon. Personal restraints have broken down, and people are no longer ashamed to appear in "minimal" attire around the opposite gender. From there, it is but a small step to the destruction of the sanctity of family life and all the tragic sights that occur on our streets. Our faces should be covered with shame at our own lack of sensitivity toward this phenomenon.

Shall we, too, walk in the path of the corrupt? Shall we blindly be dragged along by the filth that so-called "European culture" grants us? Must we wait for the Africans to teach us wisdom in this area? We are called upon to return to ourselves, to our identities. May we restore to ourselves those traits that mark our uniqueness, the very content of our lives in which Israel takes pride.

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Bereishit

P'ninat Mishpat

Fallout from Failure to Install Elevator – part I

(based on ruling 85007 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The plaintiffs (=*pl*) rented commercial space from the defendants (=*def*) for their retail business for 38,000 NIS a month. As part of the agreement, *def* obligated themselves to install an elevator to the store, which was critical for sufficient clientele to frequent it. Installing the elevator proved to be more difficult than expected and most of the work was done by *pl* rather than *def*. In the interim, *pl* reduced, only partly by agreement, the amount of rent they were paying. After several months of lack of results in installing an elevator, *pl* decided to declare the rental agreement void, and sue for approximately 2 million NIS. This includes return of rent paid and damage to the prospects of the young business. *Def* responded that the elevator was delayed partially because *pl* failed to leave security checks, pay full rent, and pay on time. It was partially due to technical constraints beyond *def*'s control. They are suing for *pl* to complete their rental obligations and, if *pl* will be leaving the premises, to pay for the return of the property to its previous configuration. [*We will deal with specific points of contention in installments within the "Ruling" section.*]

Ruling: **Initial decision about ending relationship**: At an early stage in the adjudication, *beit din* concluded that neither side was, at the time, interested in continuing the rental agreement. (If *pl* had wanted to continue, and was willing to keep their parts of the agreement, *beit din* could have obligated *def* to continue the rental and keep their obligations according to the contract.) *Beit din* required *pl* to move out of the property within 21 days and for an expert to come to appraise the cost of removing their materials. *Pl* did not keep to the 21 days because they did not find an alternative location. *Beit din* gave one extension but no more and ruled that *pl* would have to pay in full for the time they did not move out and *def* could bring in workers to remove *pl*'s property at *pl*'s expense.

Date the agreement went into effect: When the rental contract was signed, only *def1* signed it, as *def2* was out of town; *def2* appears in the contract as co-landlord. A month later *def2* signed only an addendum to the contract, and therefore claims that he is not bound by the contract for the first month (the repercussions are not relevant for this condensed presentation). *Beit din* ruled that *def2* is incorrect. First of all, the agreement that one partner makes on behalf of the partnership is generally binding on all the partners, as long as it is a reasonable undertaking (see Knesset Hagedola to Tur, Choshen Mishpat 176). Of note, the two sides employed all of the relevant acts of *kinyan* to make the agreement valid. In any case, once *def2* signed the addendum, which is a continuation of the contract, he retroactively confirmed his approval of the agreement.

Much awaits us in future installments.

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