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# HEMDAT YAMIM

## Parashat HaShavua

Bechukotai, 27 Iyar 5775

### A New World or an Improved One?

Harav Yosef Carmel

The Torah promises in the beginning of the *parasha*, in the case of proper fulfillment of the *mitzvot*: "I will place peace in the Land and you shall rest without fear, and I will remove bad animals from the Land, and the sword will not pass through your Land" (Vayikra 26:6). The prophets also spoke of dangerous animals no longer posing threats: "The wolf will live with the lamb, and a tiger will lie beside a goat ... a lion will eat straw like cattle ... they will not do bad and will not destroy in My whole holy mountain, for the Land will be full of knowledge of Hashem like water that covers the seabed" (Yeshaya 11:6-9). Yechezkel also weighed in on the subject: "I will make with them a covenant of peace, and I will make the bad animals cease from the Land, and they will live in the wilderness securely and sleep in the forests" (34:25).

*Tannaim* already disputed the understanding of the ceasing of bad animals from the Land. Rabbi Yehuda said the species would be removed from the world. Rabbi Shimon said that they would only stop damaging (Sifra, Bechukotai 1). The *Rishonim* also argue about the understanding of the *p'sukim*. The Rambam and his followers explain the *p'sukim* as a parable. The Ra'avad and others explain them as miraculous changes in nature. The Ramban explains them as changes that will take place to mankind.

It is possible to connect the above *machloket* to that between the Rambam and the Ra'avad concerning the building of the third *Beit Hamikdash*. The Rambam (Beit Habechira 1:1) rules: "It is a *mitzva* to build a house for Hashem." Then he goes into detail about the steps to make it a most beautiful edifice. He also discusses when and how it can or cannot be built. The Rambam (ibid. 6:14) also rules that there is no need to re-sanctify the location because the first sanctification, which was performed by Shlomo, was for its time and for the future. In any case, it is clear from the Rambam that the third *Beit Hamikdash* will be built naturally by man.

The Ra'avad (ad loc.) argues and says that even according to those who say that the second sanctification of the Land lasted into the future agree that Yerushalayim and the place of the *Beit Hamikdash* were slated for re-sanctification. This is because Ezra knew that things were to change in the future, and the sanctity was to be of a different divine order. Based on a "secret of Hashem that He revealed to those who fear Him," the Ra'avad believed that miracles would occur in the context of the building of the third Temple.

Thus these two central *Rishonim* are consistent in their perspective on the time of *Mashiach*. Whether in regard to dangerous animals or building the *Beit Hamikdash*, the Rambam believed in wonderful times, but times in which nature will not be fundamentally altered. The Ra'avad believed in an abundance of miracles and new, special realities.

In these days, between Yom Ha'atzmaut and Yom Yerushalayim, we thank Hashem for all the good that He has bestowed upon us and pray for the coming of the full liberation, whether it come in the manner that the Rambam or the Ra'avad foresaw.

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Deans: Harav Yosef Carmel, Harav Moshe Ehrenreich  
2 Bruriya St. corner of Rav Chiya St.  
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by Rav Daniel Mann

## Making Food in *Fleishig* Pot to Transfer into Other Utensils

**Question:** Sometimes I want to make a big *pareve* vegetable soup in a meat pot (my largest) and later put some of it in *milchig* or *pareve* pots or bowls. Is this permissible?

**Answer:** Questions of *nat bar nat* (twice removed taste, i.e., food into pot and then pot into food) are often complex due to the multiple permutations of *l'chatchila* (proper action) and *b'dieved* (after the fact). Let us proceed from rules to details.

*Amoraim* dispute whether *pareve* food that was placed while hot on a *fleishig* utensil can be eaten with milk, and we rule leniently (Chulin 111a). Therefore, the Shulchan Aruch (Yoreh Deah 95:1) rules that one may mix *pareve* food cooked in a *fleishig* pot (*nat bar nat* of *fleishig*) into *milchig* food. However, the Rama (whom Ashkenazim follow) rules that cooking food in a *fleishig* pot is more severe than simply placing hot food in a utensil. He says that in the former case, the originally *pareve* food may not be mixed in with *milchig* food (ad loc. 2).

However, the Rama incorporates a few leniencies. If the food cooked in the *fleishig* pot was subsequently mixed into *milchig* food, it may be eaten, *b'dieved*. Also, the *pareve* food may *l'chatchila* be placed hot into a *milchig* utensil without affecting the status of the pot or the food (ibid.). Thus, the soup you describe may be placed in a *milchig* pot or bowl.

However, there is a complicating factor – a further level of *l'chatchila*. The Beit Yosef cites several *Rishonim* who say that one may not set up *l'chatchila* a situation of *nat bar nat*. While his final opinion is unclear, most prominent Sephardi *poskim* (see Kaf Hachayaim, YD 95:1) say that one should not put hot *pareve* food in a *fleishig* pot if he intends to subsequently mix it in with *milchig*. The question is whether there are other cases where a food would be treated as *pareve*, *b'dieved*, but should not be “created” in that way.

One case in point is when a *fleishig* pot has not been used for *fleishig* within the 24 hours before the *pareve* use. The Rama says that in such a case, the resulting food is *pareve* enough to mix in with *milchig*. The Gra (95:10) says that in such a case it is even permitted to *l'chatchila* cook the *pareve* in that *fleishig* pot with intention to mix it in with *milchig*. However, the Chochmat Adam (48:2) says that one should not cook it in the *fleishig* pot with that intention, and this is the more accepted position.

Regarding your first specific question, making the soup in a *fleishig* pot with intention to put it into a *milchig* pot, there is a *machloket* among the *Acharonim*. Among the earlier authorities, the Bach allows it, and the Pri Megadim (Mishbetzot Zahav 95:4) forbids it. Amongst contemporary authorities, Rav Moshe Feinstein (Igrot Moshe, YD III:10) leans toward leniency, whereas several less prominent authorities lean toward stringency (see differences of degree in Badei Hashulchan 95:30, Ma'adanei Hashulchan (95:23), and Laws of Kashrus (Artscroll), p. 242). (Realize that there are serious opinions that even *b'dieved*, it should not be put into a *milchig* pot (see discussion in Darchei Teshuva 95:23).) It seems to be better policy to have a large *pareve* pot for big soups to avoid this issue. However, in cases where this is not readily feasible, leniency is legitimate.

In cases where there is an additional reason for leniency, one can be lenient freely. One is the second case you ask about – where the second utensil is itself *pareve*, not *milchig*. Since nothing can go wrong to the food in this utensil, and it is just a question of making the utensil *fleishig*, we do not have to go so far in our concern. It also makes sense that if the *fleishig* pot has not been used in 24 hours, it is permissible to cook in it with the intention of putting the food in a *milchig* pot.

It is important to realize in questions such as these that “all bets are off” if one is dealing with onions or other sharp vegetables that were sautéed in the *fleishig* pot or cut with a *fleishig* knife (Rama, ibid.). The details are beyond our present scope.



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# Ein Ayah

(from the writings of Harav Avraham Yitzchak Hakohen Kook, z.t.l.)

## Connection to the Present and the Past

(condensed from Ein Ayah, Shabbat 2:25)

**Gemara:** One makes the blessing [on Chanuka candles]: "... Hashem ... Who commanded us to light ..." Where did He command us? Rav Avya said: [It is derived from] "Do not stray from the matter that [the Rabbis] will say to you to the right or the left" (Devarim 17:11). Rav Nechemia said: "Ask your father and he will tell you, your elders and they will say to you" (ibid. 32:7).

**Ein Ayah:** All the *mitzvot* are designed for the lofty divinely ordained goal which includes all the good coming to the nation in the future. The path through which the glorious future comes is found in the *mitzvot* of the Torah, which we received in detail from Hashem, Master of actions, Who foresees the future generations.

*Mitzvot* of Rabbinic origin certainly follow the path that is paved for the *mitzvot* in general. However, it is impossible for even the greatest human mind to reach the connection to the wonderful future goals that can be accomplished by divine *mitzvot*. Therefore, we have to contemplate the source that justifies Rabbinic *mitzvot* [being compared, through their *berachot*, to Torah laws].

In order to move on to the glorious future, the nation has to reach *shleimut* (completeness) in both the material and the spiritual realms. Therefore, Rabbinic *mitzvot* are drawn from the "well of fresh water" of the Assembly of Israel, which is the foundation of the Oral Law. This gives deep perspective to the, albeit human, intellect, and when *Ruach Hakodesh* (Divine Spirit) is included, it is possible to gaze onto the future and create appropriate Rabbinic laws.

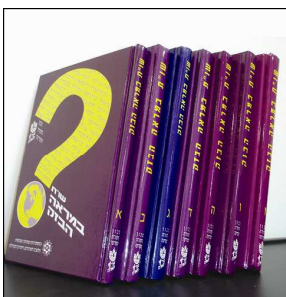
There are two elements to strengthening the nation. One is strengthening it spiritually and physically in the present. The second is to connect the character of the nation to its critical sources, which ensures that the nation will maintain its purity. If the nation strays from its base connection to its Divine source, its present status will not be able to protect it because then it is not the same nation that is to be preserved. The nation even runs the risk of being destroyed or fully dispersed.

In relation to the goal of preserving the nation in the shorter term, according to the needs of the generation and/or subsequent generations that the Rabbis identified, they instituted Rabbinic laws. This is represented in the *pasuk* "Do not stray from the matter that [the Rabbis] will say," which applies to the Rabbinical courts of all eras, as long as they are central courts that impact on the whole nation.

In regard to the second element that the Rabbis have to accomplish with their laws and institutions, connecting the source of the nation to its past, the *pasuk* that represents this is "Ask your father and he will tell you, your elders and they will say to you." Always be connected to your past, because it is great and godly, and it is the source of your success. "When the divine gave place for the nations and separated people into groups, He fixed the boundaries of the nations according to number of the Sons of Israel. For His Nation is His part; Yaakov is the area of His portion" (Devarim 32:8-9). When one looks away from the past, it is no longer possible to find a connection to the nation even in the present. Then the nation turns into a herd of individuals in which each one lacks spiritual connections to others.

Therefore, the Rabbis' *mitzvot* are based on a foundation that preserves the Jewish Nation in the present and strengthens and sanctifies it for the future based on its connections to the past. This is done with the ideas of not straying from the Rabbinic leaders and asking the elders for guidance.

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# P'ninat Mishpat

Bechukotai

## Buying Looted Seforim from the Slovaks

(based on Chelkat Yaakov, Choshen Mishpat 21)

[Some of Rav Breish's most interesting responsa are related, directly or indirectly, to the Holocaust. One critical question he deals with in simanim 16-20 is what to do with deposits of those who could not be found after the war. However, that issue is too long and involved to present in this forum. This week's topic below is fascinating, and the responsum is short.]

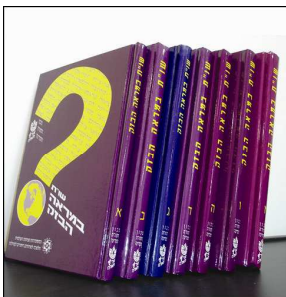
**Case:** During the war years, in the "Land of Blood," Slovakia, the evil government stole the property of Jews whom they sent away to distant places, many of them to their deaths. They now have many thousands of *sifrei kodesh*, which they want to sell. Is it permitted to buy *seforim* from them?

**Ruling:** One has to assume that most owners of such *seforim* had *yeiush* (gave up hope of receiving the property back, in which case, ownership is lost from stolen objects). One important rabbi claimed that in regard to Torah *seforim*, *yeiush* should not apply because only a Jew would buy them (based on Rama, CM 236:8). However, that claim comes from a different context, that a buyer has to return the specific property to the original owner. Even so, the original owner must reimburse the buyer for the money he paid the thief. In that case, the buyer may use the property until the owner is ready to reimburse him, in cases where the buyer had intention to recover the object from the thief.

The Hagahot Harosh discusses the concept of redeeming stolen *sifrei kodesh* along the lines of the laws for redeeming kidnapped people, i.e., one should do so without exceeding the reasonable price for the *seforim*. In that context, as well, the redeemer may read the *seforim* until and unless someone reimburses him. The K'tzot Hachoshen (356:3) explains that there is a special arrangement to allow people to buy the *seforim* in order to save them from being disgraced.

In this case, it is possible that a buyer may keep the *seforim* even if the original owners later want to reimburse him and receive the *seforim*. This is based on the regular rule that one who buys from a thief after the owner had *yeiush* can keep them, due to an assumption that the aforementioned Rama's logic does not apply. The Rama is working with the understanding that if no Jew buys the *seforim* from the thief, he will have to return them to the owner with some monetary arrangement. In our heartbreaking situation, the original owners were sent far away, and, in similar situations in Europe, the looters eventually burnt the *seforim* in a very disgraceful manner. Therefore, the owners certainly had *yeiush*. It is like a situation where one's wares were washed away by an overflowing river, in which case anyone who found them downstream can acquire them from *hefker* (a state of non-ownership) (see Bava Kama 115b, the Ran, Shabbat 120, and Shulchan Aruch, CM 259:7). The Rama just adds that it is proper to return such objects beyond the letter of the law.

I believe that the rabbis of Poland came out in the past with a pronouncement or a ban against buying such *seforim* from the authorities under similar circumstances. It must be deliberated whether that ban applies here as well. However, according to the basic law, there are no qualms about buying these *seforim*.



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