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## Yeshivat Ateret Yerushalayim

IN THE HEART OF THE OLD CITY OF JERUSALEM

### On the Air with Ha-Rav Shlomo Aviner

From Ha-Rav's weekly radio programs in Israel.

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#### Sefardim eating in restaurants

Q: Can a Sefardi eat in a kosher restaurant where Arabs cook the food?

A: This is really a problem. While Ashkenazim rely on the Rama (Yoreh Deah 113:7) that it is enough for a Jew to light the fire, gas, electricity and the non-Jew may place the pot or pan on it and it will not be considered "bishul akum" – food cooked by a non-Jew which is forbidden, Sefardim follow the ruling of the Shulchan Aruch (ibid.) that it does not matter whether the fire is lit by a Jew or a non-Jew, the essence is that the Jew places the food on it. In many kosher restaurants, either the "Mashgiach" (kosher supervisor) or someone under his guidance lights the fire and then the non-Jews cook. Rav Ovadiah Yosef in Shut Yechaveh Da'at (5:54), however, finds a leniency and writes that a regular employee has the same leniency as a servant. Today we do not have servants as laid out by the Torah, but when there were non-Jews servants, it was permissible for them to cook. Non-Jewish workers are not servants in the legal sense, but the Rama (ibid. 4) says that our permanent workers have the same ruling as a servants. Rav Ovadiah Yosef says that we have a case of a double-doubt. Regarding each individual Halachah, Sefardim do not rule this way, but there are two doubts here: perhaps the Halachah follows the opinion that a Jew lighting the fire is enough and perhaps the permanent, non-Jewish workers do have the status of servants. It is thus possible for a Sefardi to be lenient and rely on the opinion of Rav Yosef. If someone wants to be strict – may he be blessed, and he has to check the process followed in each restaurant. It is clear that such a restaurant is kosher since there is a

"mashgiach," but they do not follow all of the stringencies that you do at home. Such problems also exist in the army, since there are non-Jewish cooks. Druzes and immigrants from Russia. One obviously needs to eat in the army and the cook/soldier is truly a servant since he receives orders. There are other reasons to permit a Sefardi to eat in the army since when one goes to a restaurant he can choose the restaurant in which he eats while there is no choice in the army.

#### Non-observant Cohain reciting Birchat Cohanim

Q: Is it permissible for a non-observant cohain to recite the Birchat Cohanim?

A: Yes. The Rambam answers this question in Hilchot Nesi'at Capayim (15:6). He says two things: 1. We do not say to a person who is sinning: "Perform another sin." This means that we do not tell him not to say the Birchat Cohanim. Transgression A. does not exempt someone from mitzvah B. and C. You are not exempt from eating kosher because you are desecrating Shabbat and you are not exempt from the laws of Family Purity because you are not eating kosher, etc... Our Sages say in Gemara Berachot (51a): If one ate garlic, causing him to give off an offensive odor, should he eat more garlic, to increase the odor?! Therefore, someone who is sinning is not exempt from any mitzvah. 2. While he is obligated to recite the Birchat Cohanim, what is his blessing worth? "He is blessing me?! – He is a sinner!" Answer: He is not blessing us, Hashem is blessing us. "May Hashem bless you and safeguard you. May Hashem illuminate His countenance upon you and be gracious to you. May Hashem lift His countenance upon you and establish peace for you. Let them place My Name upon the Children of Israel and I shall bless them" (Bamidbar 6:24–27). Hashem is the One who is blessing us and the cohain only serve as agents to bring the blessing. The cohain is not the one who is blessing. Therefore, a non-observant cohain must also recite Birchat Cohanim.

#### Missionary literature

Q: What should I do with literature which includes verses or a Tanach with the "New Testament" which missionaries disseminate?

A: It is permissible to throw them into the garbage since these verse and books possess no holiness even if they include Hashem's Name. The Rambam writes in Hilchot Yesodei Ha-Torah (6:8) that a Sefer Torah written by a heretic should be burned. I do not recommend burning them – it is a waste of matches. You can throw them directly into the garbage. They are not words of holiness, but words of impurity.

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