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Parashat Pinchas 5770

Ask Rav Aviner: [mororly@bezeqint.net](mailto:mororly@bezeqint.net)

Prepared by Rabbi Mordechai Tzion

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## On the Parashah... Commercial Advertisements in Parashah Sheets Distributed on the Shabbat

[Be-Ahavah U-Be-Emunah – Chukat 5770 – translated by R. Blumberg]

"And on the day of Shabbat: two male lambs in their first year..." (Bemidbar 28:9-10).

**Question:** Is it permissible in a Parashah sheet distributed on the Shabbat for there to be commercial advertisements, calls for people to make donations to Tzedakah, with details about prizes and a standing-order form? Is one allowed to read all of these? Are not such topics "Muktza" [forbidden to dwell on during Shabbat]? Don't such contents render the entire sheet forbidden to touch?

**Answer:** It is indeed forbidden to dwell on monetary affairs, commercial matters or business offers on Shabbat due to the prohibition against "pursuing your business or talking about it" (Yeshayahu 58:13. See Mishnah Berurah 307:7 and 323:20). For that reason, some authorities forbid reading the entire sheet, because of the law of "Muktza," i.e., because of the commercial content there (Mishnah Berurah 307:3). Yet some have ruled that that commercial section of the leaflet does not make the entire leaflet forbidden, and they permitted reading it, except for the commercial section (ibid., quoting Shvut Ya'akov 3:23 and She'elat Ya'avetz 1:162 quoted in Sha'arei Teshuvah 306:3), and such is the prevalent custom. Therefore, the entire leaflet is not rendered Muktza. The same applies to standing order forms and ad details about requested donations. One is allowed to read them on the Shabbat. Yet suppose a page is entirely commercial, or devoted entirely to a standing order, might it be Muktza since reading it is forbidden? In this case, however, our Sages wrote that if there are other permissible uses for the page, it is not Muktza. They therefore ruled that an entirely commercial newspaper is not Muktza on condition that one not care about its worth and that he be willing to use it for all sorts of uses such as a stopper to keep dirt from getting into a bottle (Shut Igrot Moshe, Orach Chaim 5:22 #3, Brit Olam by Ha-Rav Binyamin Zilber, "Dinei Metzvo Cheftzecha," Section 10). Likewise, nobody cares about the worth of a standing-order form, and it can be used for anything. It is therefore not considered Muktza.

**Question:** Yet it remains forbidden to read those commercial notices, details about lotteries, etc. Are the printer and distributor thereby guilty of causing the reading public to sin?

**Answer:** No! Even if we decide that it is forbidden to read them, the printer is not forcing anyone to read them precisely on Shabbat. Rather, he is preparing the material for weekday reading. Besides that, it is not clear that the reading itself is forbidden. After all, some of our Sages took the lenient approach that only reading aloud is forbidden as part of “pursuing your business or talking about it,” but reading silently is permissible (Netziv in Iturei Sofrim, Shalmei Yehudah quoting Ha-Rav Yosef Shalom Elyashiv, Az Nidbaru 9:7 and see Mishnah Berurah 307 in Sha’arei Tziyun #60). All this relates to commercial publications, but as far as reading about charitable contributions and their standing orders, there is an allowance to read these because they are part of a mitzvah. After all, doing calculations for the sake of a mitzvah is permissible on Shabbat (Shulchan Aruch, Orach Chaim 306:6). It is even permissible to earmark charity funds on Shabbat (ibid., Mishnah Berurah ibid. # 27). For example, one is allowed to use a donor card on which sums of money are printed, with the donor or synagogue official marking off the sum with a paper clip, since it that is part of a mitzvah (Mishnah Berurah 323:20).

In summary: The leaflet is not Muktzah, and even a page entirely devoted to standing orders, donations or commercial matters is not Muktzah. As far as the actual reading, regarding commercial matters one should take the strict approach and not read it. As far as donations, one may read it, since it is part of performing a mitzvah. Obviously, none of this makes it permissible to read these leaflets during davening. Rather, they should be taken home. Even words of Torah should not be read during davening. Each mitzvah in its own time.

### **Machon Meir Stickers on the Sabbath**

**Question:** Together with the parashah sheet "Be-Ahavah U-Be-Emunah" distributed by Machon Meir each Shabbat, there is sometimes a sticker added with the words of our Sages or other ethical sayings, such as “Repentance through Love.” Aren't these Muktzah since they are earmarked for sticking on surfaces, a forbidden activity on the Sabbath? Likewise, sometimes an envelope with Machon Meir’s address is included, earmarked for sending a donation. Is that not Muktzah, since that too is a forbidden act on the Sabbath?

**Answer:** A regular sticker is indeed Muktzah, being “Muktzah Machmat Gufo” [Muktzah due to its own essence]. In other words, like rocks, it is not usable for anything else on Shabbat. After all, it is forbidden to attach an adhesive. In our case, however, the sticker is usable for something else, for written on it are ethical and Torah utterances that arouse good thoughts. It therefore possesses an intrinsic value apart from the act of sticking it.

As for the envelope, it is “Muktzah Machmat Chisaron Kis” [Muktzah due to potential monetary loss]. In other words, due to its value, a person will be careful not to use it for anything else. Yet our Sages wrote that even writing paper is not Muktzah unless it is blank, for in that case people are careful not to use it for something else. If, however, that blank paper is simple paper, usable for all sorts of other things, it is not Muktzah (Pri Megadim). The same applies to the envelope, where it depends on whether or not people are careful not to use it for something else. In our case, however, involving an envelope with the institution’s address, people generally throw such things away, and they certainly would not avoid using it for other things.

In summary: Neither the stickers nor the envelopes are Muktzah.

## Rav Aviner on... All the Hechsherim are Kosher

**Question:** Numerous times you have written that all of the Hechsherim [Kosher certifications] are kosher. I think you are naive and unaware of what is really going on. If you knew how many foul-ups occur in this regard in food production, and even more so in restaurants, you would not express yourself this way.

**Answer:** With bakeries and restaurants, each place must be examined on its own merits. I was talking about factories in which there is a set production process. In all modesty, I am well aware of the reality, and I still say that if a Torah scholar took responsibility and wrote "kosher," then the product is indeed kosher, and let no one dare say that Rabbis are feeding the Jewish People non-kosher food.

**Question:** When a consumer sees a Hechsher on a package, how can he know whether the person giving the Hechsher is really a Torah scholar? Perhaps he is just a layman masquerading as a Rabbi?

**Answer:** If the consumer does not know that Rabbi, he should check it out. If the Rabbi is the Rabbi of a city, or part of a recognized Kashrut organization or a city rabbinate, then he is certainly a genuine Torah scholar.

**Question:** I have encountered instances in which a product has a Hechsher but it turns out that the factory is forging it. Is the product still kosher?

**Answer:** Obviously, if a counterfeiter forges a Rabbi's signature, this lacks the force of a Hechsher. Yet this has nothing to do with the question of whether all Hechshers are kosher. Even if they forge the signature of the strictest Rabbi in the world, the product will not be kosher.

**Question:** A Rabbi was giving a Hechsher to a large and prominent food production plant and it turned out that he had no idea what was going on there. In another plant a lot of bugs were found in the product.

There was a case in which a Rabbi did not check whether a particular fruit was "orla" [from a tree in its first four years (Vaykira 19:23-25)]. In a certain factory in which all the non-Jewish workers worked on Shabbat, the Mashgiach [kashrut supervisor] could not check out the ingredients being delivered on Shabbat. There are known cases of Rabbis who gave Hechsherim until the Chief Rabbinate discovered oversights and appointed other Mashgichim over the original ones.

**Answer:** I didn't say that mistakes never happen. My point is only that throughout the Torah we rely on the principles of "Rov" [the majority factor] and "Chazakah" [the presumption that a previous state continues]. Every person known to be a Torah scholar is presumed reputable until proven otherwise. If a rumor circulates that there is an oversight, that rumor must be investigated. If one has dealings with a Rabbi and he behaves questionably, the situation changes. Surely a Rabbi who gives a Hechsher without checking out what is happening forfeits his Chazakah unless he duly repents.

**Question:** In one factory, when the Rabbi arrives they prepare him a large package of products from that factory, and then everything goes smoothly. It is likewise known that there are rabbis who have appointed as kashrut supervisors their relatives and friends, people who lack any of the appropriate training for the job, and these people work unsupervised. There was even a case of a nonobservant person being appointed.

**Answer:** I do not understand these questions. Sometimes it is discovered that a particular Rabbi is unethical, that he is a thief, a cheat or an adulterer. Do all rabbis forfeit their Chazakah as a result? The concept of presumed good repute does not mean one hundred percent certainty like in mathematics. It only means that the Torah

decreed that we can rely on certain presumptions, and even that we can put someone to death on the basis of a Chazakah. Likewise, a Torah scholar has a Chazakah so long as there is no proof otherwise.

Certainly, if someone writes "kosher" on a non-kosher product, he is unworthy of the title "Rabbi," but as long as no such thing has been proven, the food is presumed kosher.

**Question:** There are even great and reputable Torah scholars who have been deceived by factory owners or who sometimes err in their rulings. In such cases, is the Hechsher still kosher?

**Answer:** Even a real Torah scholar sometimes errs. Why did you not ask me about the case at the beginning of Tractate Horiyot, where the Sanhedrin ruled that a certain food was kosher and everybody ate from it, and it ultimately turned out that it had been a mistake? In that case, the Rabbis had to bring a sacrifice. Why did you not ask if that food was kosher? When all is said and done, the Shulchan Aruch rules that we can eat in the home of any Jew who has a Chazakah of observance.

**Question:** Is it that in order to strengthen the Chief Rabbinate of Israel it is permissible to eat food that is not so kosher?

**Answer:** It isn't like that. To address your point, there is certainly a mitzvah to strengthen "the judge who will be in that time" (Devarim 17:9). That verse, however, is teaching that any Rabbi, and not just one connected to the Chief Rabbinate, is presumed reputable.

**Question:** Sometimes the Rabbi who gives the Hechsher himself says that he is dissatisfied with the situation but that he cannot improve it due to lack of manpower.

**Answer:** Quite the contrary, since he is aware of the problematic situation yet still puts his stamp on the food it is a sign that it is kosher.

**Question:** If someone wishes to be more strict regarding kashrut, why stop him?

**Answer:** G-d forbid! In every realm, the person who takes the stricter approach reaps a blessing. Obviously, this is so not just in the realm of kashrut, but also regarding Shabbat, prayer, Tzitzit, business ethics, interpersonal relations, treating one's wife with respect, educating one's children, etc.

Yet there is a precondition to every stricture, namely that it not involve one's denigrating others. Could there be any worse denigration than that of a person spreading libels about Rabbis, saying that they are making people eat non-kosher food? Such a thing would take unparalleled gall. Certainly we must be scrupulous regarding kashrut. Certainly the consumer must exert pressure. After all, most of the factories agree to kashrut supervision only for commercial reasons. Hence the more the public's demands increase, the more the Hechsherim will improve. Yet, all this must be done with real respect shown for Rabbis. Those Rabbis in fact will be the first to rejoice over each additional stricture.

### Stories about Leaving the Land of Israel - #4

In the summer of 5674, Maran Ha-Rav Kook was invited to the Agudat Yisrael conference in Germany, and he was in great doubt whether he should attend. He wrote in his letters how difficult it was for him to agree to leave Eretz Yisrael, even temporarily. At the same time, there was great potential to influence the Rabbis of the Agudah to support the revival of the Nation of Israel in its Land (Igrot Ha-Re'eiyah, igeret #678).

Our Rabbi, Ha-Rav Tzvi Yehudah, believed that it was important to attend (Tzemach Tzvi #23) and even sent background information (Igeret #684), but it was still difficult for Maran Ha-Rav to come to a clear decision (Igeret #687, #691). In the end, he decided to attend, but with much inner turmoil (Igeret #694).

Our Rabbi explained that Maran Ha-Rav did not agree to leave Eretz Yisrael, even temporarily, as per the request of the administration of Agudat Yisrael to participate in the Kenesiyah Gedolah in Frankfurt am Main and in the Council of Torah Sages, until added to this were doctors' orders that he required a medical procedure outside of Israel (Le-Sheloshah Be-Elul, p. 25). Maran Ha-Rav's wife also traveled with him to visit well-known doctors for her own health-related issues (Igeret #695). They arrived at the end of Tamuz 5674, and World War One broke out on Tisha Be-Av. The conference was canceled, and they were unable to return to Israel for four years. But that is a different story...

## **Shut She'eilat Shlomo - Questions of Jewish Law**

### Davening before the Shechinah

Question: In Sefer Rav Chaim Soloveichik ztz"l on the Rambam, he explained the Rambam in Hilchot Tefillah, that there are two required elements to Tefillah:

- a) That one must have Kavanah and understanding of the words one is saying.
- b) That one must have Kavanah in his heart that he is standing before the Master of the Universe. Reb Chaim explained this according to the Rambam: without the Kavanah of "standing before G-d," one is not considered to have davened.

How can one acquire the ability to fully feel in his heart that he is standing before the Shechinah? What can one do to grow in this "second" essential element of Tefillah?

Answer: There is no patent on how this is accomplished. It must be worked on slowly and in stages. In areas such as these, each person must grow according to his own level. Look in the Mishnah Berurah (98:1) that the Rash said that after he learned the secrets of Kabbalah he davened like a one day old baby. One grows little-by-little.

### *Family Matters - Ha-Rav writes weekly for*

*the parashah sheet "Rosh Yehudi" on family relationships*

### Compromise

*Question: I understand that marriage is about compromise, out of agreement and love. But I sometimes have to compromise on ideals which are important to me. Is marriage preferable to ideals?*

*Answer: It obviously depends which ideals we are discussing. You obviously cannot murder on account of your wife's love. But in principle, there are situations in which marriage overrides other important things. This is true not only for marriage, but in many areas of life where there is a conflict of values, and one must choose between them.*

*The Gemara is full of such ethical dilemmas, which are often quite complex, and it teaches us how to make such decisions.*

*Marriage is one of the most essential aspects of life and we make many compromises for its sake. For example, we sell a Sefer Torah in order to ensure the marriage of an orphan. And it is permissible to temporarily leave Eretz Yisrael in order to find a spouse.*

*Marriage is a blessing which provides a person with so much joy, purity, ethics, children, etc., and for its sake it is certainly worthwhile to make many compromises!*

## Text Message Responsa

Ha-Rav answers hundreds of text message questions a week. Some appear in the parashah sheets "Ma'ayanei Ha-Yeshu'ah" and "Olam Ha-Katan." Here's a sample:

### Greek Mythology

Q: Is there a problem in giving kids Greek Mythology to read?

A: Yes, it is full of nonsense and unethical behavior, with remnants of idol worship (Shut She'eilat Shlomo 4:167. See Chinuch Be-Ahavah vol. 1, pp. 320-341).

### Artificial Insemination

Q: Is it permissible for a married woman to have Artificial Insemination?

A: If there is no other solution, it is permissible from a non-Jew (Shut Igrot Moshe, Even Ha-Ezer 1:10).

### Lashon Ha-Ra

Q: I spoke Lashon Ha-Ra about someone but he does not know about it. Should I ask his forgiveness?

A: No. On the contrary, it will cause him pain. You should repent to Hashem. Rabbi Yisrael Salanter (see Chafetz Chaim, Hilchot Lashon Ha-Ra 4:12. Mishnah Berurah 606:3. Halichot Shlomo 1:3 #6).

### Child Mourner

Q: I work with children affected by terror attacks. One youth, who was orphaned in a terrorist attack and is still in the period of mourning, has a cousin who is getting married. He wants to dance at the wedding. Is it permissible?

A: Yes, it is part of his rehabilitation.

### Separate Money

Q: Can a married couple have different accounts and each equally pay for all expenses?

A: It is permissible. It is preferable to have everything joint, but it is permissible if there is a need.

### Evil Eye

Q: I am succeeding in getting married, and I was told that I have the Evil Eye?

A: You don't have anything of the kind (Shut Igrot Moshe, Even Ha-Ezer 3:26. And see Gam Ani Odeca of Ha-Rav Gamliel Rabinovitch 2, 48 in the name of Ha-Rav Chaim Kanievski).

### Drafted into a Combat Unit

Q: I want to be drafted into a combat unit, but I am afraid. What should I do?

A: It is a mitzvah to be drafted into a combat unit. There is nothing to fear. Serving in a combat unit is safer than traveling in a car – four times as many people are killed in car accidents than in combat units!

Honoring a Father who does not Recite a Blessing

Q: My father asked if I could bring him some food, but he does not wash "Netilat Yadayim" or recite a blessing?

A: It is forbidden on account of "Do not place a stumbling block before the blind," but it is a mitzvah to give food to the poor for Tzedakah (even if they do not recite a blessing), and all the more so to your father since you have a mitzvah to honor him (Mishnah Berurah 169:11).

Upside-Down Shoe

Q: Is there a problem with an upside-down shoe?

A: Superstition.

Female Musician

Q: Is it permissible for a female musician to play in a band before a mixed audience?

A: It is permissible on condition that the men do not stare at her.

Samples

Q: Is it permissible to try samples in the supermarket if I am certain that I will not buy them?

A: No, it is "Genivat Da'at – deceptive."

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Yeshivat Ateret Yerushalayim P.O.B. 1076 Jerusalem 91009 Tel.02-6284101 Fax.02-6261528

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