



A PROJECT OF CHICAGO COMMUNITY KOLLEL

PARSHA

ENCOUNTERS

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Parshas Acharei Mos-Kedoshim ✍️ Rabbi Yehoshua Goldstein

Kedoshim Tihiyu

In the beginning of *Parshas Kedoshim*, Moshe Rabbeinu is commanded to speak to all of Klal Yisroel and tell them that they should be “*kedoshim*”, “holy.” Rashi quotes the Midrash that states this section of the Torah was said “*behakhel*” to the entire nation. The Sifsei Chachomim references the Mizrachi, who emphasizes that **all** the mitzvos were said to **all** of Klal Yisroel. The Gemara in *Eruvin* reviews the usual sequence: first Moshe taught Aharon, then Aharon’s children Elazar and Isamar, followed by the Zekeinim (elders), and finally the rest of Klal Yisroel. How, then, did this assembly differ from other assemblies convened for the purpose of instructing Klal Yisroel regarding the *mitzvos*?

The Ksav Sofer discusses a person’s daily routine: part of the day centers on spiritual pursuits such as *davening*, performing *mitzvos*, and learning Torah, and part of the day is devoted to the fulfillment of physical needs, such as eating and sleeping. It is easy for a person to serve Hashem when he is learning or *davening*, as these are clearly spiritual acts. When one is eating, however, it is harder for a person to serve Hashem. It is common for one to eat and sleep for his own personal pleasure. However, there are unique individuals who are able to dedicate their entire day to *avodas Hashem*. Their eating and sleeping are for the purpose of furthering their *avodas Hashem*, which transforms them into *ovdei Hashem*.

Rabbeinu Hakadosh achieved this exalted level of dedication to *avodas Hashem*. Chazal say that he raised his ten fingers and declared that he did not derive even a small finger’s worth of pleasure from this world. Of course, he ate every day. In fact, Chazal say that his table never lacked radishes and lettuce (considered delicacies at that time). Rather, Rabbeinu Hakodesh ate everything for the sake of Hashem without intending to derive any physical pleasure from his food. Therefore, his eating and drinking had the status of pure *avodas Hashem*. Obviously, most people do not reach this level, a level attained by only an elite few in each generation.

The Torah instructs us “*Kedoshim Tihiyu*,” “you should be holy.” The Ramban explains that this means that a person should sanctify himself by limiting even permissible activities such as eating and other physical acts. This habit will serve as a safeguard, preventing him from committing *aveiros*. By abstaining even from what is permissi-

ble, a person distances himself further from an actual *aveirah*. However, the *tzaddik* who elevates his physical enjoyment to the level of Rabbeinu Hakadosh, where every morsel he eats is like eating *matzah*, doesn’t have to fear that by overindulging in eating he will commit *aveiros*, for he is constantly involved in Torah and *mitzvos*.

Consequently, this *parshah* was said to the **entire nation**, that is, **the masses** who require the *mitzvah* of “*kedoshim tehiyu*” to guard them from *aveiros*. The *tzaddikim* do not need this safeguard, because all of their eating is *leshem shamayim*, for the sake of Hashem.

During this period of *Sefiras HaOmer*, we are preparing ourselves for *Kabbalas HaTorah*. Minimization of physical pleasure is one means by which we prepare to accept the Torah. The less we are “into” *Olam Hazehe*, the closer we are to acquiring the Torah. May we be *zocheh* to a true *Kabbalas HaTorah*.

Rabbi Goldstein is the Rosh Chaburah of the kollel.

This Shabbos!

Please join us as the Kollel is honored to welcome

HARAV AVROHOM SCHORR, shlita

- Oneg Shabbos 8:45 p.m. at the home of Rabbi & Mrs. Avi Banker, 2907 W. Coyle
- Shacharis with Drasha at Agudah of WRP at KINS at 8:30 a.m.
- Pirkei Avos Shiur at the Kollel at 4:45 p.m.
 - Mincha at 6:45 p.m. followed by Shalosh Seudos at K’hal Ohr Yisocher Chodorov
- Melave Malka 9:45 p.m. at the home of Mr. & Mrs. Benzie Friedman 3351 West Arthur, Lincolnwood

HALACHA ENCOUNTERS

STAM YEYNOM

Rabbi Yisroel Langer

Wine produced by a gentile is called “*stam yeynom*.” Chazal prohibited a Jew from drinking such wine, fearing that this action might lead to marrying the gentile’s daughter (*Avodah Zorah* 36b). Chazal enacted another *gezeirah* forbidding us from deriving any pleasure or benefit from this wine (even through business deals) to prevent us from deriving benefit from *yayin nesech* (*Avodah Zorah* 29b, according to the understanding of the Rashba and Ran. Tosafos, however, understands the *Gemara* differently). To clarify, *yayin nesech* is wine which was poured in service before an *avodah zorah*. Due to the nature of this wine, the Torah forbade all benefit. One opinion mentioned in the name of the Geonim, however, is that because gentiles today no longer pour wine before idols in service, one may benefit from their wines in ways other than drinking. The Rema (*Y.D.* 123:1) relies on this opinion where a financial loss is involved.

Touching Wine

Chazal did not limit their decree to wine produced by a non-Jew. Wine which was produced by a Jew but subsequently came into contact with a non-Jew, is also forbidden. (It is a *machlokes rishonim* if this prohibition is included in the first *gezeirah*, or is only part of the second *gezeirah*.) The wine is only prohibited if the beverage itself was touched. If the opened bottle was merely handled by the non-Jew, it does not become forbidden. If the non-Jew shakes it (“*shichshuch*”), it is then forbidden (*Y.D.* 124:17, see *Yad Avraham* there regarding “*shichshuch*” in a situation where financial loss is involved). It must be noted that the *Teshuvos Harashba* (V.7 *siman* 179) equates a *mumar l’challel Shabbos b’farhesya* with a non-Jew as far as these *halachos* are concerned. The *poskim* (Har Tzvi *Y.D.* 105) follow this view. Nevertheless, in certain situations there may be room for leniency regarding them (see *Igros Moshe* V.5 *siman* 37:8).

Pouring Wine

The *Shulchan Aruch* (*Y.D.* 125:1) *paskens* that if a non-Jew pours wine, both the wine that was poured and the wine remaining in the bottle become prohibited. According to the Rema (*ibid*), the wine remaining in the bottle is permitted if there is a large financial loss at stake. The Shach (*Y.D.* 125 sk2) and *Chachmas Adam* (*siman* 77) argue that both the wine in the bottle and the poured wine are permitted *b’dieved* in a situation involving even a small financial loss (see *Mateh Yehonason* who upholds the ruling of the *Shulchan Aruch*). The *Igros Moshe* (*Y.D.* v.2 *siman* 51) seems to support the opinion of the Shach. (See, however, Shach 124 s.k. 71 which seems to contradict his ruling in 125 s.k. 2.) For a final ruling, one should consult his *rav*.

A *chumrah* (extra stringency) mentioned by Harav Menachem Habavli (quoted by *Darchei Teshuvah* 123 s.k.2) is not to allow a non-Jew to even see the wine. To this end, there are those who will only buy (non-*mevushal*) wine in closed boxes in order to ensure that the wine wasn’t seen by a non-Jew.

Left Al one

An unsealed bottle of (non-*mevushal*) wine which is left alone with a non-Jew, even for a short period of time, may subsequently be considered forbidden (*Y.D.* 128:1, see Shach s.k. 4 and *Pischei Teshuvah* s.k. 1). In the absence of a witness, we are afraid that the non-Jew may drink some of the wine from the bottle. If one had a “break-in” in an empty house, one need not be concerned that the burglar touched his wine (HaGaon R’ Moshe Feinstein *zt”l*, as heard by Harav Shmuel Fuerst *shlita*) A common issue arises when one’s non-Jewish or *mumar l’challel Shabbos b’farhesya* worker (ie:

cleaning help, babysitter) is left alone in the house. In such a situation, one should hide or lock up any (non-*mevushal*) wine. If this isn’t practical, one should make a *siman* for himself on the bottle which will allow him to ascertain whether the non-Jew tampered with the wine. According to HaGaon R’ Moshe Feinstein *zt”l* (as heard by Harav Shmuel Fuerst *shlita*), if one sees that no wine is missing from the bottle after it has been left with the non-Jew, the wine may still be used.

Yayin Mevushal

Chazal’s *gezeirah* only applies to **uncooked** wine which came into contact with a non-Jew. However, if the wine was cooked before it came into contact with the non-Jew, the wine is permissible. The Rosh explains this leniency by stressing that Chazal established *gezeiros* only for situations which arise frequently. As cooked wine is not common, it is not the subject of a decree of Chazal. Other *rishonim* note that the second *gezeirah* (decreed to prevent the drinking of *yayin nesech*) is inapplicable, because non-Jews do not pour cooked wine before an idol, as cooked wine is considered inferior.

The Har Tzvi (*Y.D.* 111) holds that the *heter* of *yayin mevushal* applies only to wine produced by a Jew, allowing it to come into contact with a non-Jew. However wine produced by a non-Jew, even if cooked while still in the form of grapes, has no *heter* of *yayin mevushal* (see glosses of HaGaon R’ Akiva Eiger to *Y.D.* 123 on *Taz* s.k. 3 and Rashash to *Avodah Zorah* 29b, who discuss the logic of the Har Tzvi as well). Some *kashrus* organizations are in line with this opinion and will not give a hechsher to a wine company owned by non-Jews. However, *HaGaon R’ Moshe Feinstein zt”l* (*Igros Moshe* *Y.D.* v2 *siman* 52) argues, and permits the wine if it comes out of the grape while being cooked.

A typical bottle of kosher wine which is labeled “*mevushal*” is “cooked” through a process called flash pasteurization. Flash pasteurization is a method of heat pasteurization on beverages, in which the liquid moves in a controlled continuous flow while subjected to a temperature of about 160 F for only 15-30 seconds. The advantage of this method of pasteurization is that it maintains the color and flavor of the beverage being pasteurized. According to HaGaon R’ Moshe Feinstein *zt”l*, as long as the wine reaches the temperature of *yad soledes* (see *Igros Moshe* *Y.D.* v3 *siman* 31 where he says this is 160 F; see however *Y.D.* v2 *siman* 52 where he says it is approximately 175), it receives the status of *yayin mevushal*. The Tzelemer Rav *shlita* holds that in order for a wine to be classified as *mevushal*, it must reach 190 F. A bottle of Kedem wine that says *mevushal* was flash pasteurized to 190 degrees in order to satisfy the more strict opinion of the Tzelemer Rav.

Not all *poskim* agree that flash pasteurization renders the wine “*mevushal*.” HaGaon R’ Shlomo Zalman Auerbach *zt”l* (*Minchas Shlomo* *siman* 25) rules that because the average person will not detect any difference in the taste of the wine following this method of pasteurization, it cannot be considered “cooked” and is therefore not *yayin mevushal*. HaGaon R’ Yoseph Shalom Elyashiv *shlita* (*Koveitz Teshuvos* *siman* 75) offers another reason to prevent our “*mevushal*” wines from contact with a non-Jew. R’ Elyashiv reasons that the *heter* of *yayin mevushal* is based on the premise that it is unusual to cook wine. Today, when it is standard practice to pasteurize wine, it cannot be considered an abnormal act and the *heter* of *yayin mevushal* would not apply. Some question the information presented to R’ Elyashiv, claiming that non-kosher wine companies do not pasteurize their wines (the alcohol content kills the bacteria). Therefore, it is still considered uncommon to have “cooked wine.” The *minhag haolom* is to follow the lenient approach of HaGaon R’ Moshe Feinstein *zt”l* and the *Minchas Yitzchok* (V.7 *siman* 61) who consider our pasteurized wines *mevushal*.

Rabbi Langer is a full-time member of the kollel.