

HALOCHOSCOPE



Note to last issue:

In response to some questions, let us recap the issue dealt with last week.

Utensils absorb *balua*, taste, with normal use. A counter can absorb this taste when hot food is placed or spills onto it. When fresh neutral food is placed on the counter, it can become forbidden. The same could happen to utensils placed on the counter, if there is some hot liquid medium between them. The amount of *balua* is in a thin surface layer. The cold surface is also only able to impart into the thin surface layer of the second item.

Kashering with *Libun* burns the *balua*. *Hag'alah* draws it out using boiling water. Metal and stoneware can be purged through *hag'alah*. Earthenware cannot be purged this way. It absorbs, but does not release all the *balua*. One opinion considers glass in its own category, that never absorbs *balua*. Others equate it with metal. Others consider it earthenware. *Ashkenazic* Jewry follows this view regarding *Pesach*. Synthetic compounds are melted and then baked, like earthenware. Generally, the consensus is to treat them like earthenware.

A stone or metal counter can be *kashered* with hot water. Engineered counters are made of stone particles held in a synthetic compound. They are made differently by each company. Some brands require periodic application of a sealant. [This is also done with many stone counters.] These obviously absorb. The question is whether they can release the *balua*, like stone or metal, or whether they are to be treated like earthenware, and can only be *kashered* by *libun kal*. Hot coals are spread on the surface for a few minutes, to the point that it will singe straw.

Some companies claim that no sealant is needed for their product. Some claim that their material is impervious. Some make claims of biological sterility. All claims are contested by their competitors. These counters might be in the same category as glass. For *Sefaradic* Jews, this might allow them to be considered the same as metal. *Hag'alah* could then be used.

The Torah recognizes properties of metal, stone and earthenware. The status of glass is left to the poskim to debate. Scientific experimentation, and the claims and counter(!)-claims of manufacturers can be used in combination with the *halachic* rules already in place. With no precedent, one might rule stringently, due to Scriptural doubt or a component such as *chametz*, or leniently in a Rabbinic matter or mitigating circumstances, or an original ruling can be made based on examining the original sources.

This week's question:

Who is qualified to participate in the shura, line of comforters after a burial? For example, may non-Jews or brazenly non-observant Jews make up the quorum?

The issues:

- A) *Nichum availim*, consoling mourners
- B) The shura; the requirement of ten for the shura
- C) Who stands in the shura?

A) *Nichum availim*

There is a natural human need to be comforted when bereaved. Sensitivity to others

who need the comfort is also a natural human instinct. This comes, in part, from the unhappy feeling one gets when another person is unhappy, and in part from the wish to have the same done to oneself when the need arises. Those who wish to make others feel good would do it anyhow. References in the Torah and Tanach do not necessarily mean that it is required, but that good people, and as we shall see, Hashem, do it anyhow. Nonetheless, it is considered a *mitzvah*.

Some *mitzvah* lists include *nichum availim* as a *mitzvah* in its own right. Most consider it part of a general *mitzvah*. The Talmud includes it in *acharai Hashem Elokaichem tailaichu*, to 'walk behind Hashem'. Is it really possible to 'follow' Hashem? Rather, this refers to conducting oneself in His ways. Just as He is merciful, visits the sick, buries the dead and comforts the bereaved, so should one try to emulate Him in these ways. The Talmud lists instances of such G-dly activity. Some cite the *passuk*, *vehalachta bidevachav*, you shall walk in [Hashem's] ways, as a source for this same *mitzvah*.

Another source includes it in *ve'ahavta lera'acha kamocha*, the *mitzvah* to love one's fellow Jew as he loves himself. The first source applies to the first reason mentioned above. Hashem does not want us to feel unhappy. Our sadness 'affects Him', so to speak. The second source applies to the second reason mentioned above. One should do to others as he would like done for himself. These *mitzvos* have Scriptural significance, though their exact definition as Scriptural or Rabbinical is debated.

The natural idea of comforting the bereaved applies to any manner of consolation. Thus, one could console right away, as soon as the relative dies. One could also console much later, as long as the person feels the loss strongly, and appreciates the sympathy. One could console using any words that show feeling and sympathy, or by physically supporting, hugging holding a hand and the like. There should be no formal way in which consolation must be performed. As a *mitzvah*, this might also be the best way to fulfill it. Or as a *mitzvah*, it might have to follow a specific formula. According to the source that compares our behavior to that of Hashem, a *brocha* is recited in the presence of the bereaved. Hashem actually blesses. The human prays that Hashem should send his blessing. Hashem blessed Yitzchok with *bircas availim* after the death of Avraham. In former times there was an elaborate *brocha*. It required a *minyan*, quorum of ten men, (see below), excluding the participation of the mourner. Nowadays, the main *brocha* is a prayer that Hashem should send consolation to the bereaved. One also includes the entire nation, who are also in mourning after the destruction of *Yerushalayim*. Thus, it is also a prayer for the final redemption and rebuilding of *Yerushalayim*. In practice, one may and should comfort a mourner at any time he still feels the sorrow. If one did not fulfill the *mitzvah* at an earlier opportunity, he may do so throughout the first thirty days or the first year for a parent. After these times, he may still console in muted tones, but without mentioning the name of the deceased. Sometimes, consoling just reopens the wounds.

In the times of the *Bais Hamikdash*, mourners would enter and leave in the opposite direction from the usual. This provoked questions. The mourner would answer that he was in mourning, and the others would recite the consolation blessing. Nowadays, this is done in *shul*, on *Erev Shabbos*, right before the onset of *Shabbos*. The *shul* is our closest representation of the *Bais Hamikdash*, but we do not have a specific manner of entry or

exit to distinguish mourners with it. The mourner waits outside until everyone else is in *shul*, and enters when all are ready to offer condolences. Another practice is recorded. The congregants all leave the *shul* to bring the mourner into the *shul* in their company. [See Chayei Sara 25:11 Re'ay 13:5 Ki Savo 28:9. Brochos 5b Megillah 23b Moed Katan 21b 25a-28b Kesubos 8a-b Sotah 14a Sanhedrin 19a Midos 2:2 Sofrim 19:12 PdRE 17, Poskim. Rambam Sefer Hamitzvos Shores 2, Dai'os 1:5-6 Aivel 13:1-5 14:1. Tur Sh Ar YD 376:1-3 385:2, commentaries. Availus Bahalacha 17.]

B) The shura

Since we fulfill it as a *mitzvah*, we also follow guidelines on how to perform it. Therefore, we do not console before the interment. Immediately following the interment, the bereaved are consoled by those in attendance. Originally, the bereaved would stay in place while others would file past them. This filing past is called a *shura*, or line of people. This was changed due to the unruly results. The mourner walked past the row of comforters, with them on his left. Some commentators refer to the consolers circling the mourners. Nowadays, the comforters line up in two rows and the mourners walk between them. As they come past, each comforter recites the blessing, or prayer of consolation. This seems to satisfy the opinions of a line and a circle at the same time.

The Talmud requires a minimum of ten consolers for the *shura*. Why? A *minyan* is required for a *davar shebikedusha*, sanctifying Hashem's name, such as *kaddish* and *kedusha*. Furthermore, the *Shechina*, Divine Presence, rests on a *minyan* of men. Other reasons for ten include publicizing an event. Boaz convened a *minyan* for the process of his marriage to Ruth. Certain *brochos* require a *minyan*. One commentator suggests that the *Mishna* refers to the *brocha* recited for *availim*, but others reject this. Those standing in the *shura* attain a status of one preoccupied with a *mitzvah*, and are exempt of fulfilling a competing *mitzvah*. Thus, the *shura* has a *halachic* effect on participants.

The origin and reason of the *shura* are not revealed to us. It is done to benefit the mourner, rather than as part of the funeral or burial. It appears to welcome the mourner back into the community, in some way. He was somewhat isolated in his grief. Some point out that he was 'connected' to the deceased, and must be broken away from him to reenter the community. This would especially fit the view that it is a circle. It seems to be the first opportunity for *nichum*. In fact, the *avail* need not initiate the conversation in this case. Perhaps, if there can be a *minyan* for *nichum*, it is considered public consolation. Perhaps, convening a *minyan* includes the *Shechinah*, or perhaps it is meant as a more tangible form of following in Hashem's ways. It is possible that the prayer of consolation has more power when done with a *minyan*. In the open, there is no other way to connect the ten people. Making a *shura* with less than ten would belittle the true value of a *minyan* and its collective power. [See Brochos 16b 17b Megillah 23b Kesubos 8a-b Sanhedrin 19a Semachos 2:1, Poskim. Tur Sh Ar OC 72:4-5 YD 345:1 377, commentaries. Gesher Hachayim p. 112. Nitei Gavriel Availus 79:2-6, notes.]

C) Who is eligible for the quorum?

For a *davar shebikedusha* ten adult males are needed. For other forms of publicity, it depends on the reasons for the publicity, and the level of obligation of the participants. *Nichum availim* is an obligation on all adults, and children could be included for *chin-*

uch. Some say that women should neither join a *shura* of men nor walk through a *shura* with or without male mourners, for reasons of propriety. Some say that women should not participate in any form of *shura*, for *kabalistic* reasons. Others say that they may make a *shura* of ten women for women mourners.

In our case, the question is whether to include non-Jews or the brazenly non-observant. If the concept is to gather a public group in honor of the mourners, there should be no objection to gathering ten people of any persuasion. However, the indications are that it is part of the *mitzvah* of *nichum availim*. While gentiles should perform this as well, they are not obliged in the *mitzvah* as *ve'ahavta leraicha kamocha*. If the purpose is to connect with the community or to arouse the *Shechinah*, gentiles would not qualify. In keeping with the Talmudic minimum requirement, it appears that making a *shura* by including them would belittle the concept in the same way that making one with less than ten males would. Therefore, it appears that one should not include gentiles in the quorum.

A *mumar*, brazen violator of a *mitzvah*, may be counted in a quorum of ten for *davar shebikedusha*. Only a *menudeh*, formally shunned due to a particular behavior, is disqualified. If the *mumar* professes heresy or publicly desecrates *Shabbos*, some disqualify his participation. Others do not distinguish between one Jew and the next. If *shura* is treated like *minyan*, the *mumar* should be counted.

However, certain interpersonal *mitzvos* do not apply to those who do not qualify as *achicha*, your brother, or *amisecha*, your people, because they are not *itecha*, with you, in *mitzvah* observance. The question would be whether to apply this rule here. If *shura* is part of *ve'ahavta leraicha kamocha*, could it be that they are excluded from *raicha* in the same way? Could this mean that while they can join a *shul minyan*, they cannot count here? Or is it possible that regardless of their behavior, since they cannot relieve themselves of their own obligation, they fulfill it together with other Jews? If the purpose is to welcome the mourner into the community, the *mumar* could be viewed either way. He is part of the community for *minyan*, but has excluded himself in other ways.

Certain violators are considered to have removed themselves from the community so much that they are treated differently with regard to burial. They are buried as Jews, but one does not mourn them in the same ways. Perhaps these types of *mumar* should not be included in a *shura* either. Or maybe they can be included with a group like in a *minyan*. [See Tur BY OC 55:11-12 YD 251:1-2 345:4-5, commentaries.]

In conclusion, in the absence of sources to distinguish *shura* from a *minyan*, other than those who include women and possibly children, due to lack of *davar shebikedusha*, it seems that a *mumar* should qualify for inclusion. A gentile should not be included.

On the Parsha ... Moshe assembled the entire congregation of Benei Yisroel ... [35:1] The commentaries ask why is the *mitzvah* of *Shabbos* singled out for this type of assembly. Perhaps there is a hint here. Those who brazenly desecrate *Shabbos* – in public, that is in the presence of the rest of the congregation, have excluded themselves from the congregation.

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