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Founder and President

# HEMDAT YAMIM

המדת ימים

## PARASHAT HASHAVUAH

Pekudei 29 Adar 5771

### “As Hashem Commanded Moshe” ... What?

When we read *Vayakhel* and *Pekudei* together, we may point out how many times the Torah writes that matters of the *Mishkan* were done “as Hashem commanded Moshe.” However, with the *parshiyot* read separately, we may surprisingly note that in *Vayakhel* that phrase is not mentioned at all, while in *Pekudei* it is mentioned eighteen times. What is the reason for this imbalance?

*Vayakhel* discusses the construction of the *Mishkan*'s vessels, and there, indeed, the Torah does not say that it was as Hashem commanded Moshe, although every indication is that this is how it was done. The phrase is found in *Pekudei* in two contexts: the making of the *kohanim*'s clothes and the placement of the vessels at their locations in the *Mishkan*.

Several commentators present distinctions between the subjects. The Netziv says that there were apparently some differences between the Torah's description of the making of the garments and the way they were actually made, and thus the Torah had to stress that this was due to Hashem's oral instructions to Moshe. However, it is hard to find indication of changes, and why would it occur regarding all of the clothes and the erecting and not at all for the vessels?

Rav Hirsch has a more convincing answer. He says that everything received the phrase as it was completed. However, the *kohanim*'s garments were considered complete when they were made, whereas the vessels of the *Mishkan* were not considered complete until they were placed in the *Mishkan*. However, the question still begs why the garments had more significance before the *kohanim* started wearing them than the vessels before their use.

The Oznam Latorah says that the garments specifically needed to have the aforementioned phrase because in *Parashat Tetzaveh*, where the instructions to make the *kohanim*'s garments appear, Moshe's name was omitted, so we had to be told that Moshe was involved. His answer regarding why it is mentioned regarding erecting the *Mishkan* is harder to understand.

Perhaps we can add one more possibility to this discussion. There is a difference between making the vessels, which were used throughout the hundreds of years of the *Mishkan* and, later, the *Mikdash*, and the *kohanim*'s clothes, which were just the prototypes for the thousands of pairs of garments that different *kohanim* wore over time. Similarly, the erection of the *Mishkan* and the placement of the vessels in the proper location were repeated every day of the inauguration and every time the *Mishkan* was built.

Thus, we can suggest the following. It is easier to concentrate and do things right when you know that something is going to be done once in history. We got things right, for example, at the Exodus from Egypt and at the receiving of the Torah at Sinai. The problem is more acute regarding ongoing processes. Thus, the Torah praised those who were involved the first time the garments and the placement were done. This, so to speak, set the bar high at the beginning, making it a challenge for further workers and indeed further generations to do things, both in terms of details and intentions, in the proper way.

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by Rav Daniel Mann

[This question appeared in this column seven years ago and was published in Living the Halachic Process, vol. I. Based on experience, it appears that a not insignificant percentage of people from traditional homes, who assumed that, as they had a *brit mila* so they had a *pidyon haben*, assumed incorrectly. Therefore, we are reminding our readership of the issue at hand.]

**Question:** I am my parents' firstborn son, and my father recently told me that my planned *pidyon haben* (redeeming of the firstborn by a *kohen*) was delayed because of my illness and was never done. (My parents were not fully observant.) Is there something I should do now?

**Answer:** It sounds like you require a *pidyon haben*, as the *mitzva* does not expire. However, first we have to try to determine if you definitely require it, and then we can discuss how to do it in this situation.

First it pays to check if your father was right in planning the *pidyon haben*. The main exemptions are as follows: either of your parents is the child of a male *kohen* or *levi*; if your mother had a miscarriage prior to your birth; if you were born in a Caesarian delivery. Also ascertain from your father if, after all these years, he is sure that there was no *pidyon haben*. It is possible that the *rabbi/kohen* who was to have done the *pidyon* did so in a quick, halachic procedure that your father may have forgotten, while he remembers the fact that the party was cancelled. If there is uncertainty, get back to us, as we cannot give one blanket rule in advance.

Assuming that you need a *pidyon haben*, we have to deal with an interesting, relevant dispute among halachic authorities. A father is required to redeem his son. However, if he fails to do so, the son becomes obligated to redeem himself once he is *bar mitzva* (Kiddushin 29a). The question, though, is whether only the son is obligated at that point or whether the father's obligation remains. If the grown son does the *pidyon haben*, the matter is certainly taken care of, but the difference among the opinions is in a situation where the father is now interested in doing the *mitzva*, which was delayed for whatever reason.

The Rashba (Shut II, 321) says that as the *mitzva* of *pidyon haben* creates a monetary obligation on the father's property from the outset, there is nothing to remove the obligation, and the father remains obligated. The *gemara* (ibid.) says that if one has enough money to redeem only himself or his son, he should redeem himself, because the *mitzva* that relates directly to himself has precedence. The Rivash (Shut 131) infers from there that the son's obligation to redeem himself is the primary obligation, and the father's practical responsibility to redeem his baby is due only to the fact that a small child is incapable of performing the *pidyon haben* himself. When the child grows up, he alone is obligated. Many later authorities have debated the matter, and it is difficult to say that one approach is more accepted or acceptable than the other (see *Pidyon Haben K'hilchato* 1:(16)).

We would suggest as follows. As you know your father better than we do, try to determine if he would want to be involved in the *pidyon haben* or not. If you think that he wouldn't mind, there is no problem doing it yourself. If he wants to do it, there is a way to devise a system whereby the right person will end up doing the *mitzva*. One such halachic method is as follows: Your father gives you the money and says that if the *mitzva* is his, you should be his agent to do the *pidyon* on his behalf (see *Pidyon Haben K'hilchato* regarding *pidyon haben* by means of an agent). You prepare another sum of your own money and physically give both sums to the *kohen* with the appropriate blessings and statements. You just state that it is being done on condition that the halachic redemption should relate to the person who should rightfully be doing it and to his money. Since few *kohanim* have done a *pidyon haben* in a case where a person is doing it for himself, you will anyway need a learned *kohen* and/or a *rabbi* to make the appropriate adjustments in the text of the blessings and statements and we would be happy to help with the process.

It is both important and not as complicated as it might sound to do the *pidyon haben*. While it is customary to have a *minyan* present at a *pidyon*, it can be done privately to avoid embarrassing your father.

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## The Human Frailties that Emanated from the Tree of Knowledge

(condensed from Ein Ayah, Berachot 6:34)

**Gemara:** If one recited “*Borei pri ha’etz*” on something that requires “*Borei pri ha’adama*,” he does not fulfill his obligation. Isn’t that obvious? Rav Nachman bar Yitzchak said: It is needed according to Rabbi Yehuda who said that wheat is a type of tree, as the *baraita* says: The tree that Adam ate from was what? Rabbi Meir said that it was a grape vine, as nothing gives reason for a person to be upset like wine, as occurred to Noach (Bereishit 9:21). Rabbi Nechemia says that it was a fig tree, for they used the object which caused their troubles to rectify their situation, as it says: “They tied fig leaves together” (Bereishit 3:7). Rabbi Yehuda says that it was wheat, as a small child does not call “Mother, father” before he has tasted wheat [Rashi- that is why it is called the Tree of Knowledge.]

**Ein Ayah:** There are three basic factors in a person’s personality that are likely to cause him to turn away from the straight path.

One is when his spiritual enjoyment goes in the direction of physicality. This occurs when one becomes attached to overindulging in wine. This is based on the idea that “wine makes the heart happy” (Tehillim 104:15). In fact, happiness is a spiritual enjoyment and desiring it is good when it is in good measure. However, when it goes beyond its proper boundaries, it can be destructive and specifically enslave the spiritual powers to be used for bad things, including for haughtiness, which is related to drunkenness (see Eruvin 65a).

Another problem is the desire of enjoyment in a manner that is not an important need of the body but is just a matter of indulgence. This encourages man to be interested only in fleeting pleasure, especially things that appeal to his senses such as taste. A third issue is the desire to overeat. When a person is taken by such a desire, he will not care if the food is tasty or attractively prepared. Such behavior will open up a person to everything lowly.

Rabbi Meir, who says that the Tree of Knowledge was a grape vine, sees wine, representing using the spiritual side for material desires, as the main root of mankind’s problems that cause tragedies. Rabbi Nechemia felt that it was the fig, which is a sweet fruit that does not have much other value. The word itself (*te’eina*) is related to the word for looking for an excuse, i.e., having the good taste without any real gain. Rabbi Yehuda posited that this alone would not lower man that much. Rather, it is the desire to eat normal foods beyond satiation that lowers a person. It is wheat that gives man wisdom, with which he does not need the instinct that animals have to stop eating when he does not need more. We say that an increase in knowledge causes an increase in pain because man who possesses wisdom loses instincts and may not have developed the mind enough to go only in the direction of good. Man combines goodness with evil, and while partaking in the food that he needs to survive, he also brings on physical and spiritual illnesses by overeating, to the point that it could cause him far-reaching disgusting characteristics.

Rabbi Yehuda is of the opinion that before the land was cursed to not produce food easily, a person would receive his food with great ease, and therefore wheat was a tree, as it will be in the time of *Mashiach* (Ketubot 11b). It would have been better that our sustenance would be achieved through natural instincts and that our wisdom would be reserved for the realm of the intellectual. According to Rabbi Meir, therefore, before the sin there was not a situation of spiritual enjoyment being used for physicality, which is what happened with wine only after the sin. According to Rabbi Nechemia, at that time one would not have been carried away by interest in the sweet and desirable. According to Rabbi Yehuda, the natural inclinations would not have been mixed in with wisdom. Rather he would harvest easily his main food, wheat, by plucking the fruits of the tree. Some even say that eventually the Tree of Knowledge would have become permitted, as once man would have learned how to balance between the needs of the body and those of the spirit, knowledge would have been used for good in an effortless manner, with effort to be reserved for more lofty purposes.

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## Conditions on a Get After it Was Given to an Agent

(based on Shurat Hadin, vol. VI, pp. 435-441)

It is commonplace for *batei din* to allow a man who is in the midst of divorce proceedings to leave the country only after he has a *get* written, appoints a *shaliach* (agent to give the *get*), and gives the *get* to *beit din* for safekeeping in case he should not come back. In one such a case, the husband spent a long time abroad and the wife wanted to have the *get* given. In the interim the husband called and told her: "I will not give the *get* now. Wait until I return and then I will give it under certain conditions." What is the status of the *get* in the meantime? While it is possible to nullify the agency, can one not nullify but introduce new conditions?

The Rambam and Tur disagree whether when one made a *shaliach* and then became a *shoteh* (mentally incompetent), the *shaliach* can at that point, fundamentally, continue the process on his own (Rambam) or not (Tur). The Ohr Sameiach explains that the root of the *machloket* is the question whether when one makes a *shaliach*, the *shaliach* just performs the physical actions in place of the affected party or whether the *shaliach* takes on the status of one who is personally in charge of the matter (Rambam). The K'tzot Hachoshen (188:2) and Rabbi Akiva Eiger (EH 121:3) seem to take that approach in the Rambam's opinion as well. One can claim that our question of whether the husband can delay or make conditions on the *shaliach's* activities depends on that same *machloket*. However, there are other explanations of the *machloket*. Rav Shmuel Razovsky says that the question is whether a *shoteh* is fundamentally unable to divorce or whether there is just a technical problem that can be overcome with the *shaliach's* help.

Rav Frank elucidates on an apparent *machloket* among *Rishonim* whether the husband's saying "Do not give the *get*" is considered an undoing of the agency (Rashba) or at least a temporary suspension of his ability to give the *get*. The Noda B'Yehuda (EH, II, 127) says that a husband cannot make a new condition in the *get* after giving it to a *shaliach*, although he can say that if such and such does not happen he is hereby nullifying the *get* (see Shem Aryeh 100). It does appear that even if saying "Do not give the *get*" is not a formal nullification of the *get* or the agency, if he tells the *shaliach* to his face not to give the *get* he may not do so (based on Tosafot, Kiddushin 59b). The Kovetz Ha'arot does explain that a *shaliach* can only give the *get* when he does so according to the continued desire of the husband to do so. However, there are strong indications (including based on the Ritva) that once one officially makes a *shaliach*, he no longer needs to know that the husband wants it given unless there has been at least a semi-formal nullification. However, according to the Rashba, saying "Do not give it," if not a full nullification, is at least a semi-formal suspension of the process and therefore the *get* should not be given at this time.

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