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המדת ימים

PARASHAT HASHAVUAH

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Rabbi Pinchas ben Yair Said: "Purity Leads to Sanctity"

Harav Yosef Carmel

The commandment that opens our *parasha* has a special significance beyond its practical information as part of the service of the *Mishkan*: "Speak to Aharon and tell him: 'When you make the lights go up, opposite the *menorah* should the seven lights give light'" (Bamidbar 8:2).

The *gemara* (Shabbat 22b) asks: "Did Hashem need the light that the *kohen* lit? Is it not so that throughout the forty years in the desert, it was Hashem who provided light for the nation? Rather, this was evidence to the world that the Divine Presence dwelled in Israel."

Let us take a look at the special characteristics of this *mitzva* and thereby get a better idea of what is needed to have the Divine Presence dwell among us. Elsewhere in the Torah (Shemot 31:8), the *menorah* is referred to as the "pure *menorah*." The purity of the oil that is placed into the *menorah* is also something that runs deep in our Jewish consciousness from the Chanuka story, as the miracle of the lights that continued burning was to deal with the situation where there was a shortage of pure oil. This concern was particularly appropriate against the backdrop of the spiritual conflict between the Jews and the Greek Hellenists and their culture of aesthetics.

The *menorah* is, to a great extent, the symbol of spirituality. One indication is that the *navi*, Zecharia, was shown in a dream a special vision based around a *menorah* to represent that which he was told, "Not with masses or with strength but with My spirit, said Hashem" (Zecharia 4: 2-6). Candlelight also represents Torah and *mitzvot*, as we know from the famous *pasuk* in Mishlei, "For a *mitzva* is a candle, and Torah is light" (6:23). Of course, light can be used for qualitatively different things, and therefore Mishlei also says: "The light of the righteous is happy, and the candle of the wicked will flicker" (13:9) and "Haughty eyes and a proud heart: the candle of the wicked is sinful" (21:4). The light of the *menorah* within the *Mishkan* is also a symbol of wisdom, as finds expression in *Chazal's* statement that "he who wants wisdom should go to the south, for the *menorah* was in the south" (Bava Batra 25b).

There is an important message to learn from the special connection between the motifs of spirituality, wisdom, purity and the dwelling of the Divine Presence that they usher in. An outlook of aesthetics and philosophical musings, even if people feel that it elevates them beyond coarse physicality, does not suffice for the Nation of Israel. A "lighting of lights" in a manner that invites the Divine Presence requires a high level of the type of purity that leads to sanctity. How appropriate is it that the author of the saying that "purity leads to sanctity" was named "Rabbi Pinchas ben Yair" (his father's name meaning, will give light).



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by Rav Daniel Mann

Question: A friend asked me to buy her a food product without a *hechsher*. May I do so?

Answer: The answer depends on the nature of both the friend and the food.

If your friend keeps kosher, try to determine whether she is making a mistake (and tell her nicely) or whether some legitimately believe the food does not need a *hechsher*.

If she is a Jew who does not keep kosher, the situation is as follows. There is a Torah prohibition of *lifnei iver lo titen michshol* against providing someone the opportunity to sin (e.g., buying them non-kosher food). However, when the sinner has the opportunity to do the forbidden act himself or by asking another (non-Jewish, according to some) person, most agree that the one assisting does not violate *lifnei iver* (see Rama, Yoreh Deah 151:1 with commentaries). Even so authorities say there is a rabbinic prohibition to aid in the violation. This issue may be overcome by some combination of mitigating factors, but we will focus on only one.

What type of food is involved? Let us assume the food's actual *kashrut* is questionable. Regarding *lifnei iver*, if it is unclear whether the recipient will use the object improperly, one may give it to him based on the optimistic possibility (Avoda Zara 15b). It is disputed if this is true when he will certainly do something that might be forbidden (see Shut Pnei Yehoshua, YD 3 and Beit Shmuel 5:18). Even if this special leniency of *lifnei iver* does not apply, it is reasonable to be lenient because of a regular doubt when there is no Torah-level prohibition (as above). If the food is clearly forbidden, you should, under normal circumstances, refuse to buy it.

Even if the friend is not Jewish, the question is, if it is a Torah-forbidden food, whether the prohibition of commerce applies (see Shulchan Aruch, YD 117). There is significant discussion whether commerce is prohibited as a limited *issur hana'ah* (prohibition to benefit) or it is to avoid a situation where one is liable to eat what he is dealing with. Most of the discussion deals with cases where it is a Jew's business (thus, he benefits) but the food is handled only by non-Jews (thus, the Jew is unlikely to eat it). Most *poskim* disallow this without other grounds for leniency (see Shut Chatam Sofer, YD 108; Pitchei Teshuva, YD 117:6).

The Chatam Sofer does say that the concern he may eat is enough to forbid one to be employed to work with a non-Jew's "*treif*" food. We could then argue that it is forbidden for you to handle the food you are buying on behalf of a non-Jew. However, this is incorrect. First and foremost, contact was not forbidden but commerce, and commerce must include elements of financial benefit. Although some forbid buying non-kosher food as a present to a non-Jew, this is only based on an assumption that he is doing so due to a financial interest (see Shach 117:3). However, in a case like this, where you are but a simple agent, handling without intention to gain is permitted (see Taz, YD 117:2).

One can also argue for leniency based on the halacha that one may sell non-kosher food normally if he did not obtain it purposely (the classic example (Shvi'it 7:4) is of a fisherman of kosher fish into whose net some non-kosher fish entered). We might look at you as one whose friend's request placed her in a one-time basis situation where the natural thing is to obtain and transfer the food and call that chancing upon the food.

Because of complicated issues of agency for a non-Jew and the impact of ownership on this question, it is proper to have in mind not to take ownership or responsibility for the non-kosher food that he buys for a non-Jew.

Regarding the problem of *marit ayin* (it looks bad to buy non-kosher food), the case does not fall into an across-the-board prohibition. However, in all of the permutations we have discussed, you should avoid a situation in which your purchase will be noticeable and suspicious to fellow Jews. The details are hard to dictate from a distance.

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How to Prepare Potentially Damaging Foods and Ideas

(condensed from Ein Ayah, Berachot 6:71)

Gemara: Woe unto the house that turnips pass through it. Is that so? Didn't Rava say to his assistant: "If you see turnips in the market, do not ask what we will eat together with bread" [in other words, "Certainly buy the turnips"]? Abayei said: [the problem is] without meat. Rava said: [the problem is] without wine... Shmuel said: [the problem is] without wood.

Ein Ayah: The *gemara* speaks in terms of the turnip passing through the house because it is not digested and does not give strength to the body, and, therefore, it is damaging when it passes through. On a parallel level, we would say that things that have negative impacts are more easily absorbed, as there is damage even without digestion, whereas positive impacts occur only after there is digestion. The Rabbis taught us that benefit can be extracted from these things when the body is prepared to receive the benefit through meat, wine, or wood.

A parallel concept exists regarding spiritual matters, where the nourishment in question is not of food but of ideas. There are certain ideas that will not lead a person on a good path unless they are made "digestible" in a proper way. This is done when one makes them able to be understood deeply by attaching them to deep ethical ideas that can give the person the insight to use them for his spiritual benefit. However, if they will just "pass through" his intellect and he will not "digest them" in the proper manner, then the ideas will just cause him pain and damage in the realm of proper behavior.

Therefore, a person should realize, when filling himself or others with potentially dangerous ideas, that if they are not prepared in a manner that they can be digested, they will not produce results of life and goodness for the soul. The three preparations that the *gemara* mentions are beef, wine, and wood. The beef stands for the main body of Torah; the wine represents the additional supplementary knowledge that can be added onto it; the wood represents the handles with which people grasp the laws of Hashem and the "teachings of fire" (based on Devarim 33:2). If one does things properly it will be possible to extract the pleasant fruit and the power to nourish that is found in every element of wisdom, even those that are very far from Him. This is because, "His Kingdom rules over everything" (Tehillim 103:19). We have other statements that illustrate Hashem's pervasiveness throughout the world: "If I will go up to the heavens, You are there. If I will go down to the depths of the world, behold it is You. I will place upon me wings and will dwell at the end of the seas; there too Your hand will guide me, and Your right hand will grasp me" (Tehillim 139:8-10).

***With this we have completed our treatment of
the sixth perek of Berachot.***

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Who Can Sequester Property?

(condensed from Shurat Hadin, vol. VII, pp. 283-4)

Case: A husband (=def) sued in the Rabbinical Court for divorce and linked to it a request of litigation on property matters. In the midst of the litigation, his wife (=pl) requested a *tzav ikul* (sequestration of def's property) in order to ensure her rights. Def claims that since he is the plaintiff in the proceedings before *beit din*, it is he not she who can request *ikul* by *beit din*. Def claims that *ikul* is a supplementary decree for the plaintiff who officially opened the proceedings.

Ruling: The halachic basis for sequestration is found in the Rosh (Bava Kama 1:5) and the Shulchan Aruch (Choshen Mishpat 73:10). The point of it is to protect one from the possibility of being taking advantage of by an unscrupulous person who might cause his assets to disappear before *beit din* would issue the ruling that he is indeed culpable. The context of the halachic discussion is of matters of loan, and it is clearly the alleged borrower whose property could be subject to *ikul*. It is not applicable there to discuss sequestration requested by the defendant/ borrower of the property of the plaintiff/ lender.

However, the matter is different in regard to the division of property between spouses in divorce proceedings. While one side may initiate proceedings as the plaintiff, the possibility of ensuring rights to property under litigation applies equally to either side. To the contrary, one must be particularly aware that as part of the linkage of the monetary issues to the *get*, the woman's rights to support, which is exclusive to her, are now part and parcel of the litigation. *Beit din* has the same responsibility to safeguard the rights of both sides of the case, each one according to his or her particular circumstances.

The matter is somewhat more complicated where the defendant does not accept the jurisdiction of the *beit din* and demands to adjudicate elsewhere. Nevertheless, in this case as well, as long as the court in questions controls the legal process at the time, it has the responsibility to protect the rights even of the side that wants to eventually adjudicate elsewhere.

It is true that the Provision 108.1 of the Regulations of Adjudication speaks of sequestration specifically of the defendant's property on behalf of the plaintiff. However, it is legally impossible to interpret this literally. Rather, "defendant" here does not refer to the main defendant but to one against whom claims are being made. In many cases, including ours, there are multiple and mutual plaintiffs and defendants, even if there is a need to set only one person as plaintiff and one as defendant in regard to other elements of the adjudication.

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