

- **Being Embarrassed - Should He or Shouldn't He?** - A Glimpse from the Parasha
- **Putting on Tefillin with a Tattoo**- Ask the Rabbi
- **Religion and Science – part V**- from the works of Rav Yisraeli zt"l
- **The Breaking of a Set-Time Investment**- from the world of Jewish Jurisprudence

## Being Embarrassed - Should He or Shouldn't He?

As the consecration of the Mishkan (Tabernacle) progressed, Aharon was instructed to bring certain korbanot (sacrifices) on behalf of himself and the nation. Chazal tell us that he was hesitant when he saw the calf to be brought, as it reminded him of the sin of the Golden Calf, in which he played a failed role. Moshe said to him: "Why are you embarrassed? For this you were chosen." This week, when we also read of the removal of impurity by the red heifer, mother to the calf, let us investigate the retrospective outlook on that sin and Aharon's transcendence of the obstacles it placed before him.

The Netivot Shalom asks a simple, strong question: is it surprising for Aharon to have been embarrassed, considering his not small part in the enormous sin? The gemara (Avoda Zara 4b) states that Bnei Yisrael sinned in order to teach the power of repentance. In other words, the sin of the Golden Calf was Divinely ordained and was not a product of free choice. The Netivot Shalom posits that the preventable sin, which justified the punishment, was not the making of the calf but the fact that they rejoiced thereafter and were not reviled by the sin. Since Aharon did not take part in the rejoicing, he had not sinned with the calf itself and needed not be embarrassed by it.

He goes on to cite the statement of Rav Chaim Vital, based on the above statement, that Aharon was chosen specifically because he was embarrassed. While this is a sign of humility, the Torah tells us that Moshe was the most humble person, so why did Aharon, not Moshe, receive the honor to serve in the Mishkan? The Netivot Shalom answers based on the following analysis. A person may be humble before Hashem because he is fully aware of His glory and palpably feels his inadequacy in relation to Him or due to a feeling of internal inadequacy which lowers one's self-image. Moshe, the greatest prophet ever, possessed the first type of humility. Aharon, who took fuller responsibility for his part in the Golden Calf than he needed to, lowered his self-image to the point of being broken with remorse. A "broken spirit" is the key to bringing korbanot to Hashem, and especially regarding sin offerings, making Aharon the optimal kohen.

One can add that Aharon's humility in this regard has another dimension. The nation, on whatever level, sinned and needed atonement. Aharon maximized his responsibility in their need for atonement. So too, a kohen is exposed to sinners who need to take responsibility. As a leader in the nation, charged among other things with education and atonement, the kohen should feel a part in the collective sin. He should work with dedication and humility, not to gloat over the sinner, but to lead him back, whether it be with the ashes of the red heifer, the sin offering, or words of advice and encouragement that help one return to the proper path.

**Eretz Hemdah** is the premier institution for training young rabbis to take the Israeli Rabbinates' rigorous Yadin Yadin examinations. **Eretz Hemdah**, with its distinctive blend of Religious Zionist philosophy and scholarship combined with community service, ensures that its graduates emerge with the finest training, the noblest motivations resulting in an exceptionally strong connection to Jewish communities

## Ask the Rabbi

**Question:** I am studying to convert to Judaism with an Orthodox rabbi. I know that tattoos are viewed negatively by my rabbi and others. People are unaware that I have some (not obscene ones). I am concerned that when I will put tefillin on, people will find out. I have heard that people with tattoos are not be buried in a Jewish cemetery. Should I just not convert? Will rabbis accept me?

**Answer:** We mustn't advise whether you should convert without knowing you. However, tattoos should not be a serious factor. While there is a Torah prohibition not to have tattoos done (Vayikra 19:28), this applies only to Jews. Therefore, people should and a rabbi would know that you did nothing wrong and not cast aspersions on your worthiness as a convert. Despite rumors to the contrary, even one who had a tattoo made as a Jew (in a forbidden manner) may be buried in a Jewish cemetery. There is not even a clear obligation to remove a tattoo, as the main issue is the agreement to have it put in his flesh, not its existence (Bemareh Habazak V, 78). If it involves themes of paganism or obscenities, it is proper to keep it covered whenever possible (ibid.).

That being said, we understand your feelings and encourage you to avoid situations where you will be embarrassed later. When living as a religious Jew, your (visible) tattoos may make you stick out in a negative way. While one may either keep the fact of being a convert quiet or make use of the many sources that allow him to be proud of his brave, laudable step, you likely will not want to display elements of the past of which the tattoos remind people.

Let us take a quick look at some of the systems of removing tattoos. You should consider your options now because some systems are problematic for a Jew. Therefore, if a certain system is something you want to use (we do not give medical advice), the time to do it might be now.

One mild system (with moderate results) is to apply a chemical cream over time that fades the color of the tattoo. This is permitted for a Jew, which is good because even if you started now, your conversion may go through before you have completed treatment.

Plastic surgery (which is uncommon for tattoos) requires cutting the body and is halachically problematic because a Jew may not cause injury (even if it will eventually heal) to his body. While there are grounds for leniency when it is done to improve or beautify the body, not destroy it, the matter is best avoided when alternatives exist. Laser treatment, which breaks up the dyes and allows them to be removed from their position among the levels of skin, is usually not problematic because there is not always any damage and at least not serious scarring (Bemareh Habazak, ibid.).

A final system is called "cover up." One injects new dye that makes the tattoo only faintly visible. There is some question as to whether the full prohibition of tattooing applies only to writing or whether any mark is equally bad (see Rav Basri in Techumin X, pp. 282-7 and Bemareh Habazak II, p. 81). If inserting any mark is fully forbidden, then the cover up injection is likely forbidden. If simple marking is rabbinic and especially if it is forbidden only because it looks like tattooing, then there is room to say (although it is not clear) that when it is done in order to make the previous marks weaker, it is permitted. Furthermore, the full prohibition may not apply when it is made for a technical need such as marking a slave (obviously no longer in practice) (Shulchan Aruch and Rama, Yoreh Deah 180:3). If this rule is true (see Mishpetei Uziel II, YD 22 who says it is talking about an exceptional case), it is likely permitted when the injection is done to minimize an existing tattoo. Nevertheless, it is right to perform the cover up before converting. (B'tzel Hachochma V, 82 analyzes cover up at length and does not come to a clear conclusion).

**"Living the Halachic Process"** - We proudly announce the publication of our first book in English. "Living the Halachic Process" a selection of answers to questions from our Ask the Rabbi project. A companion CD containing source sheets for the questions is also available. In honor of the book's debut we offer it at the special rate of \$20 (instead of \$25). Contact us at [info@eretzhemdah.org](mailto:info@eretzhemdah.org)

Have a question?..... e-mail us at [info@eretzhemdah.org](mailto:info@eretzhemdah.org)

**Religion and Science- part V***(from Perakim B'Machshevet Yisrael, ch. 30)*

Rav Yisraeli gathered classical and more contemporary rabbinic views on the interaction between religion/belief and science. We present his sources in an abridged, free translation form.

**7. On the Matter of Contradictions Between Torah and Science**

Moriah pp. 167-172 (Dr. Yitzchak Breuer)

The heart and mind are scouts of sechel (the intellect). Sechel processes that which is given to it; without chomer (physicality), sechel would be empty, as it processes physicality according to its rules, thus creating experience. Science is to give correct experience. Sechel doesn't create chomer but understands that which it is given by creating concepts, "intellectual clothing" of chomer. Just as the ear cannot hear a flower's smell, sechel cannot grasp pure chomer but intellectual chomer.

There are things in the Torah that cannot accept any intellectual coverings because they are above sechel. These are things that are not given to sechel to understand but to the will to conquer. There are also things in the world that are totally beyond sechel, and their "clothing" does not bring them closer to sechel but covers them up from it. When sechel tries to use the heart and eye to scout it, the matter is only confused. The essence of the world, of that which comes from it, and of every phenomenon cannot be analyzed by sechel, for it is able only to connect phenomena to each other, and only the connection is intellectual. Sechel itself and the independent recognition of sechel are totally intellectual.

Regarding contradictions between Torah and science, one first has to check whether the topic of the contradiction is at all a matter of sechel. If not, as is usually the case, there is no contradiction but a misuse of sechel. Let us take the matter of free choice, one of the foundations of Jewish thought, and assume that science contradicts it. It is actually not a contradiction. If Reuven steals, the theft is a phenomenon of the external world. Sechel wants to connect the phenomenon to other phenomena, without which it will see the matter as out of its realm, and it is convinced that there must be a connection. If Reuven is poor and hungry, sechel will conclude that poverty and hunger caused the theft. In fact, intellectually, the theft is something that had to have occurred. However, if science says that not just by means of relation but intrinsically, the theft had to occur, it has gone beyond its bounds. The doctrine of free choice is not opposed to sechel, it just was not given to the realm of sechel to deal with, as the smell of a flower was not given to the ear. Rather, choice was given to the realm of desires. Human will should know that the Creator gave it the ability to free itself and overcome pressures, such as poverty and hunger.

Science's great achievements in the 19th century pushed off the centrality of philosophy and spread materialism in Europe. Unfortunately, science went so far as to assume it had solved all of the world's riddles. "We have checked the whole body and did find a G-dly soul." They replaced the pseudo-philosophical approach to the world with atheism. They removed the place for G-d and human freedom and inserted determinism. They threw all their anger at the Torah's opening portion, claiming many contradictions between it and science.

In truth, there is no contradiction between the "eternal" nature and the creation which was accomplished ex nihilo. This is described by the verse, "For He commanded and they were created and had them stand for all time; He placed a rule that will not be violated" (Tehillim 148:5-6). The wisdom of nature is the wisdom of "for all time," which Hashem inserted after He "commanded and it was created." The two parts of the verse are not contradictory. The wisdom of nature is correct if it says that according to its means of recognition, the world is millions of years old.

We will continue next week.

**Mishpatey Shaul**– A new edition containing unpublished rulings by our late mentor, Maran Hagaon HaRav Shaul Yisraeli zt"l, in his capacity as dayan at the Supreme Rabbinical Court in Jerusalem. The book includes halachic discourse with some of the greatest poskim of our generation.

The special price in honor of the new publication is \$15 (instead of the regular \$20).

**Responsa B'mareh Habazak, Volumes I, II, III, IV, V and VI:**

Answers to questions from Diaspora rabbis. The questions give expression to the unique situation that Jewish communities around the world are presently undergoing. The answers deal with a developing modern world in the way of "deracheha, darchei noam". The books deal with the four sections of the Shulchan Aruch, while aiming to also take into consideration the "fifth section" which makes the Torah a "Torah of life." (Shipping according to the destination)**Special**

**Price:** 6 volumes of Responsa Bemareh Habazak - \$60 (instead of \$86)

# P'ninat Mishpat

## The Breaking of a Set-Time Investment

(based on Halacha Psuka, vol. 41, condensation of Piskei Din Rabbaniim XVII, pp. 289-310)

**Case:** As part of a divorce settlement, a father (=pl) opened a tochnit chisachon (set-time investment) for his daughters; the mother (=def) was to oversee it. Later on, def removed the money for personal needs. Pl demands that def reimburse the girls the sum due to them at the time the investment is due.

**Ruling:** Def is considered to have stolen the money from her daughters' account. In general, a thief pays only the value of the object at the time of the theft. We do not factor in what the profits the object could have been had it not been taken, as that is gerama (indirect damage).

However, as the fund's overseer, def was a shomer (watchman). The Chatam Sofer (CM 140) says that since a shomer's payments are usually for damage caused indirectly, she would be responsible even for gerama. However, he referred only to an object's value at the time of damage, which would not indicate that def has to pay for potential earnings after withdrawal of funds. The Rivash (396) says, regarding a case where one watching wheat illegally sold it when its price was low but rebounded later, that he only has to pay according to the price when he stole them, not for future appreciation.

What about payment as one who damages? The gemara (Bava Metzia 99b) says that if one broke another's barrel that is worth four zuz on a regular day and five on a market day, he either returns a barrel on a market day or five zuz on another day. Rashi says that even if he damaged it on a day when it was worth four, he pays five because it is sometimes that expensive. The K'tzot Hachoshen (291:1) explains that since the price will definitely go up, the damager caused loss of the extra value. The Netivot Hamishpat (291:2) argues against the notion of semi-direct damage payment. Rather the payment was because he was a worker, who has a special obligation when performing work in a manner that causes damage. In our case, since the bank's interest payments were set, the loss is definite. Def is also entrusted to secure the investment. Thus both the K'tzot and Netivot would obligate lost future interest.

The Yerushalmi (Bava Metzia 5:3) says that one who didn't invest funds given to him for that purpose need not pay. The Raavyah explains that this is because the gains were not certain. The Nimukei Yosef (Bava Metzia 61b) says that it is because the "broker" did not explicitly accept responsibility. In our case, though, the interest was set and the overseer accepted responsibility to ensure it would be received. However, according to the Shach (CM 292:15) one who does not invest is still an indirect damager and is exempt. The Chatam Sofer (CM 178) says that a compromise should be made between the sides. Beit din thus obligates def to pay the amount the investment would have been worth had it been due on the day def withdrew the money.

**Mishpetei Shaul** – Unpublished rulings by our mentor, Maran Hagaon HaRav Shaul Yisraeli zt"l in his capacity as dayan at the Israeli Supreme Rabbinical Court. The book includes halachic discourse with some of our generation's greatest poskim. The special price in honor of the new publication is \$20.

*Do you want to sign your contract according to Halacha?*

The Rabbinical Court, "[Mishpat Vehalacha BeYisrael](#)" serves the public in the matter of dispute resolution according to the Halacha in a manner that is accepted by the law of the land.

While drawing up a contract, one can include a provision which assigns the court jurisdiction to serve as an agreed upon arbitrator.

Tel: (02) 538-2710 [beitdin@eretzhemdah.org](mailto:beitdin@eretzhemdah.org) Fax: (02) 537-9626

**Founder and President: Harav Shaul Israeli zt"l Deans: Harav Yosef Carmel, Harav Moshe Ehrenreich**  
**ERETZ HEMDAH 5 Ha-Mem Gimmel St. P.O.B 36236 Jerusalem 91360**  
**Tel: 972-2-537-1485 Fax: 972-2-537-9626**

**Email:** [info@eretzhemdah.org](mailto:info@eretzhemdah.org) **Web:** <http://www.eretzhemdah.org>