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HEMDAT YAMIM

PARASHAT HASHAVUA

Tazria, 27 Adar II 5774

From In to Out or From Out to In?

Rav Daniel Mann

The main topic of our *parasha* is clearly the topic of *tzara'at*, approximately translated as leprosy. The Torah discusses several types of *tzara'at*, which vary in regard to their appearance or their location. After discussing the afflictions that affect the body, the Torah moves on to *tzara'at* found in one's clothes. Finally, after presenting the religious process related to the healing process, including *korbanot*, the laws of the *tzara'at* of the house appear.

The order of presentation is: the *tzara'at* of a person's own body, followed by that which affects his clothes, with which he has a direct physical contact, and finally that of the walls of one's house, which just surround a person. To what extent does this order indicate something basic about the essence of the different types of *tzara'at*?

Abarbanel views *tzara'at* of the body as some sort of biological imbalance, even though it is a symptom of a spiritual failing. He is thus perplexed by the idea of *tzara'at* in inanimate clothing. He explains that certain types of fabrics that come in contact with the afflicted human body are susceptible to the afflictions that emanate from the body, and they could reintroduce the afflictions into the recovered person at a later point. Therefore, they have to be dealt with, including by removing parts of the fabric or even burning the whole garment if necessary. He agrees with the Ramban that *tzara'at* of the house is a miracle that has no logical explanation in the physical world. In any case, he views the phenomenon of *tzara'at* as one that emanates from the body and can then spread out.

A fascinating *midrash* in Ruth Rabba (2:10) seemingly views the progression in the opposite order. The *midrash* uses the development of *tzara'at* as one of the examples of Hashem starting afflictions removed from a person and having them progress toward him. It infers that before Machlon and Kilyon were killed by Hashem, their property was plagued, and they were thus warned and given an opportunity to repent. Similarly, the Egyptians suffered plagues to their property before Hashem killed their firstborns. Iyov sustained losses to property, then his children were taken away, and only later was he personally afflicted. So too, says the *midrash*, first a person's house gets *tzara'at*. If he does not remedy the matter, it affects his clothes. Finally, if need be, it afflicts his body. (Presumably, the *midrash* understands the order of the *p'sukim* as corresponding to severity, not to the order of the events. One also has to consider how Iyov personally fits in, considering that his affliction was not a result of shortcomings.)

The two approaches, which arguably differ on a technical question about the origin and development of *tzara'at*, actually indicate a conceptual difference regarding their role. According to Abarbanel, the *tzara'at* is a result of the problems that exist within the being of the person (reflecting some sort of interplay between the physical and the spiritual). According to the *midrash*, *tzara'at* is a tool in the hands of Hashem, to punish and to communicate a message to the sinner.

While it would seem to be a blessing that we do not have to undergo the hardships of *tzara'at*, we have to look for other ways to sense what Hashem wants to communicate to us.

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by Rav Daniel Mann

Waking Up on a Plane to Daven

Question: I will be on a trans-Atlantic overnight flight travelling east, so that during the time people normally sleep, the time for *Shacharit* will pass quickly. Is it necessary to get up, or do we say that one who is sleeping is exempt from *mitzvot*?

Answer: You raise a fascinating question: do obligations in *mitzvot* apply to a person while he is sleeping? This issue is at the heart of questions of what others should do when observing a sleeping person in a halachically problematic situation. However, that point is not necessary to answer your practical question.

While certain sources indicate that when a person is sleeping, the laws of the Torah fundamentally do not apply to him, there are several and stronger sources that prove that *mitzvot* do apply at least on some level. If rain forces one to sleep inside his house on Sukkot and the rain stops during the night, he does not have to go then to the *sukka* (Sukka 29a). The Beit Yosef (Orach Chayim 639; see also Mishna Berura 639:43) says that a major part of this discussion is about the people of the household not being required to wake the sleeping person. The simple implication of the sources (compare Shulchan Aruch, OC 639:6 and 7) is that this is a specific exemption from *sukka* for someone who will be unusually bothered to be in the *sukka* under those circumstances. The classical commentaries do not speak of a sweeping rule that *mitzvot* do not apply to those sleeping, implying that there is no such rule. On the other hand, Rav S.Z. Auerbach said that one is not obligated in *sukka* when he is sleeping and therefore it is (theoretically) permitted to remove a sleeping person from the *sukka* (see Halichot Shlomo, Tefilla, pp.335-337). Another important source involves someone who died in the room where a *kohen* is sleeping. The Rama (Yoreh Deah 372:1) says that people should wake the *kohen* so he can leave the premises.

Playing out the different approaches to a case of one who sees his friend sleeping as the end time for reciting *Kri'at Shema* approaches, Rav Auerbach's camp would not require waking him, while others would (see Halichot Shlomo *ibid.*). There is logic to distinguish between *mitzvot* and *aveirot* in two directions. In some ways, being physically involved in a situation of *aveira* while sleeping may be more problematic than simply not doing a *mitzva* at that point (*ibid.*; see also Shut R. Akiva Eiger I:8). In the opposite direction, even if one is exempt from a *mitzva* when sleeping, if he does not perform it, he will not be credited for what he did not do; therefore, there is certainly what to gain by waking him. In short, there is room for other distinctions: whether a Torah-level *mitzva*, e.g., *Kri'at Shema*, or a Rabbinic one, e.g., *Shacharit*, is at stake (see Keren L'Dovid, OC 18; Shach, YD 372:3); whether the specific person would want to be woken (see Keren L'Dovid *ibid.*; Halichot Shlomo *ibid.*); whether the person went to sleep with a realization that the problem would arise while he would be sleeping (*ibid.*).

This last distinction brings us to the crucial practical point regarding your question. It is forbidden for one to go to sleep in a manner that will likely bring him to miss a *mitzva*. In several cases, there are Rabbinical prohibitions about eating or sleeping before doing a *mitzva* even when his plan is to perform the *mitzva* within its proper time (see Shulchan Aruch, OC 692:4 and Mishna Berura 692:15). This prohibition sometimes begins even before the *mitzva* applies (see Shulchan Aruch, OC 235:2 and Mishna Berura *ad loc.* 17). While *Chazal* obviously do not forbid going to sleep at night out of fear one will wake up too late for *Kri'at Shema* and *Shacharit*, they had harsh things to say about those who are not careful to wake up in time (see Avot D'Rabbi Natan 21; Pirkei Avot 3:10 with Bartenura). Therefore, whatever one's fundamental approach to obligations while one sleeps, before going to sleep, one must have a good plan to ensure he will perform the *mitzva* when it becomes incumbent (see Halichot Shlomo *ibid.*).



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Ein Ayah

(from the writings of Harav Avraham Yitzchak Hakohen Kook, z.t.l.)

Intellectual Excellence in Purity

(condensed from Ein Ayah, Berachot 9:20)

Gemara: [In the declaration upon fulfilling the *mitzvot* of *ma'aser*, one says] "...I did not consume it in a state of impurity" – for if he separated [the *ma'aser sheni*] in impurity, he is not able to make the declaration.

Ein Ayah: [In the previous piece, Rav Kook explained how *ma'aser sheni* represents the intellectual side of a person, which is comparable to *kehuna*. Just as there are people who are *kohanim*, involved in sanctity within the nation, so too each person has a "kehuna-like" side within him. *Ma'aser sheni* is a food that a non-kohen eats in sanctity to remind him that he indeed has this element within him.]

The recognition that man has a special status – he contains within him an element of *kehuna* in which his intellectual side is found – is something that should be important to him. However, he still needs to be very careful to avoid exaggeration, which is common. This exaggeration can blind a person and make him fall into the trap of haughtiness, in which he views himself as a flawless person with no negative traits to correct.

This can occur when one loves himself more than he should, which happens when improper inclinations intermingle with the good inclinations that are within him. Therefore, one has to be more careful when he is involved in considering his own intellectual side than when he is involved in an activity that causes him to contemplate the special value that his counterpart possesses. The activity that reminds one of his own special value is the taking off of *ma'aser sheni*, and the activity that reminds him of the special value of another person is the giving of *teruma* to a *kohen*. That is why one who is setting aside *ma'aser sheni* must be very careful to not take off *ma'aser sheni* within a context of impurity.

On the other hand, he should not give up on the recognition of his level but should find a time and a place in which he will be able to consume the *ma'aser* before Hashem. From the perspective of his intellectual side, he should realize that he is on the level to eat from the "table of divinely-connected food." This requires him to be on a path of purity, a humility of justice, and a clean mind. That is why, in regard to the setting aside of *ma'aser sheni*, the Torah writes that if there was impurity involved in taking off the *ma'aser sheni*, he is not able to make the relevant declaration.



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Participation in the Expenses of Building a New Shul

(based around Shut Maharam Padova 42)

[This question does not appear to be related to a *din Torah* but in helping the rabbi of another community handle a question of correct financial public policy.]

Regarding the building of a *shul*, the Maharam set down a major rule. Whenever we cannot find a specific reason to obligate people to pay per person, the outlay is divided according to residents' financial means. He rules to pay according to resources in regard to the hiring of a *chazan* for the Yamim HaNoraim as well. There he provides a reason. The more wealth a person has the more difficult it is for him to pack up his things to travel to take part in *tefillot* and leave his home unattended. The implication is that for hiring a *chazan* to serve throughout the year, where it is not applicable to talk about people going elsewhere to take part in *tefillot*, the collection would not be based on resources alone. Indeed, in our communities, the *minhag* is that half the payment is per person and half is according to resources.

The question then is why there should be a difference between the allocations for the expenses of building a *shul* and that for a *chazan*. If there is no difference, then we should collect money partially per person regarding a *shul* as well. However, there is logic to distinguish between the two areas. The hiring is done on a yearly basis, and therefore it makes more sense that all who are to benefit during the course of the year are to take part in paying for their benefit. In contrast, a *shul* is built to be used for many years. It is very possible that the poor person will leave the community at some point, and then he will not be receiving benefit corresponding to his long-term outlay. In this regard, the rich person, who has property and business locally is more likely to stay for a longer period of time. Another distinction is that poor people would be more willing to have the *shul* located in a mere shack, whereas richer people have more of an interest in glorifying their "house of Hashem" according to their financial status, following the directive of "honor Hashem from your resources." That is why I do not think it is right to allocate payment for a *shul* on a per person basis.

[The *Knesset Hagedola* (*Tur, Orach Chayim 150*) cites the Maharam Padova as saying that the building of a *shul* should be paid for according to resources, but rental of a *shul* is to be per person. *Eliya Rabba* (OC 150:1) understands that according to our responsum, it would be half per person and half according to resources. While this can be worked into the logic of this responsum, I do not see where it says so explicitly or why it must be the Maharam Padova's opinion. In any case, the *Eliya Rabba's* understanding of the Maharam Padova has been cited as *halacha* by the Mishna Berura (OC 150:2).]

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