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HEMDAT YAMIM

PARASHAT HASHAVUA

Vayikra, 1 Nissan 5775

A *Korban* or Not a *Korban*?

Rabbi Daniel Mann

This week we begin reading *Sefer Vayikra*, whose first section deals with the basic laws of the various *korbanot* (sacrifices). We find, in *Sefer Bereishit*, our patriarchs bringing *korbanot*, but once Yaakov and his children arrive in Egypt, we find no more. They pick up again, this time on a national level, with the opening of the *Mishkan* in the desert. In between, there is one apparent exception – the first *Korban Pesach* (*Pesach Mitzrayim*), which was done at the first *sefer*, on the night that Hashem killed the firstborn and freed His people. This, of course, is the main subject of the *maftir* that we read this week, *Parashat Hachodesh* (Shemot 12:1-20).

But was *Pesach Mitzrayim* really a *korban*? Was blood sprinkled on an altar?! Were specific parts of the animal (*eimurin*) offered to Hashem?! On the other hand, the *mishna* (Pesachim 9:3) lists a relatively short number of differences between *Pesach Mitzrayim* and *Korban Pesach* for all generations, which certainly gives the impression that, at least at their core, they are both *korbanot*. The Torah itself, after discussing *Pesach Mitzrayim*, declares that Bnei Yisrael will do this service for all generations (ibid. 25).

A fascinating *gemara* (Pesachim 96a) gives us cause to realize that *Pesach Mitzrayim* was more of a *korban* than one might think. The *gemara* asks about the apparent fact that no blood was sprinkled on an altar in *Pesach Mitzrayim* and says that its blood was actually placed on three "altars," the lintel and the two doorposts of the individual Jews' houses. (The *gemara* addresses the *eimurin* as well, but there is a *machloket* whether it means to say that there were no *eimurin* or whether the proper parts were burnt "for Hashem," albeit not on an altar.)

How could the blood on the doorposts be considered like putting blood on the altar of Hashem's Temple? Doesn't the Torah say clearly that the blood was for Hashem to "see" and pass over the appropriate houses, sparing their firstborn (ibid. 23)? What does that have to do with service of Hashem?!

One answer is that we, as apparent from our questions, are looking at things in the wrong order. The doorposts were chosen as altars, and thus the blood was put there as part of a *korban* procedure. Then the fact that Hashem saw the people's service protected them.

Another possibility refocuses our outlook on service of Hashem, in general. Does the blood on "Hashem's altar" help Him? No, it helps us, protects us, and brings us success in a variety of ways. Usually, we have to work on reminding ourselves of this point, which some do more effectively than others. However, in this first set of commandments given to the Jewish people as a nation, Hashem left no room for doubt. He expressed that He wanted to save all the Jewish homes, and so He appointed each home to consist of "altars" in its entrance. Hashem then taught that by following the steps of sacrifice (which albeit were unique regarding the *Korban Pesach*), they would be protecting themselves, in a very clear way, on that night. During the course of history, it is our responsibility to find Hashem's protection in more subtle ways.

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by Rav Daniel Mann

An Oven Used for *Chillul Shabbat*

Question: I want to use an otherwise kosher oven that was used for cooking food in a manner of clear *chillul Shabbat*. Has it become “*treif*”?

Answer: Food that is cooked on Shabbat is one of many examples of *ma’aseh Shabbat* (the result of *chillul Shabbat*), and as such is forbidden to be eaten. Your question is a good one: does such food *treif* up utensils?

The answer seems dependent on whether *ma’aseh Shabbat* regarding food is a prohibition against benefit (which, for food, is usually eating) or whether the food is considered *ma’achalot assurot* (what we call nonkosher). If the former, any residue in the oven will not bring you real benefit. If the latter, then the food is like any other that *treif* up an oven (we will not discuss how an oven becomes *treif* or how it is *kashered*).

One reason to not consider this food *ma’achalot assurot* is that it is prohibited for an external reason – not because of an intrinsic problem with the food per se, but due to its connection to a bad situation. The Ktav Sofer (Orach Chayim 50) compares *ma’aseh Shabbat* food to *bishul akum*, as that food is also not intrinsically problematic but tainted by a situation. There is a *machloket Rishonim* whether *bishul akum treifs* up a pot (see Tur, Yoreh Deah 113 – the Rashba is strict; the Rosh is lenient). The Shulchan Aruch (YD 113: 16) cites both positions, but prefers the stringent one (he is slightly lenient on how to *kasher* it).

Indeed, the Magen Avraham (318:1) cites the Rashba as saying that *ma’aseh Shabbat* food *treifs* the utensil in which it was cooked, and he and the Mishna Berura (318:4) accept this position. Regarding the above fundamental *chakira*, Rav Orbach (Minchat Shlomo I:5) sees this Magen Avraham as a proof that *ma’aseh Shabbat* food is *ma’achalot assurot*.

On the other hand, many disagree. Besides significant opinions that are lenient regarding a pot used for *bishul akum*, this case includes additional reasons for leniency. The Mateh Yehuda (cited by Livyat Chen 42) says that the Rashba only implies that according to R. Yochanan Hasandler (Ketubot 34a) who views *ma’aseh Shabbat* as an intrinsic Torah law, a utensil would become *treif*. However, according to the *Tannaim* that *ma’aseh Shabbat* is a penalty, only the actual food, which gives real benefit, is forbidden. Some (see Teshuvot V’hanhagot II:196) point out that the Gra rules like R. Meir (Ketubot *ibid.*) that even the food itself becomes permitted after Shabbat.

Finally, there are strong indications that *ma’aseh Shabbat* does not create *ma’achalot assurot*. According to the opinion of R. Yehuda, which the Shulchan Aruch (OC 318:1) accepts, the food is forbidden forever only for the person who was *mechallel Shabbat*. This distinction is difficult if *ma’aseh Shabbat* is *ma’achalot assurot*, which are generally objective prohibitions (Ktav Sofer, *ibid.*). I would add that the fact that *ma’aseh Shabbat* applies to many nonfood *melachot* works more cleanly if they all share the categorization of prohibitions of benefit.

It is hard for an Ashkenazi *posek* to argue with the opinions of the Magen Avraham and the Mishna Berura, at least without other grounds for leniency (see Orchos Shabbat 25:53). Rav Ovadia Yosef (Livyat Chen 42), on the other hand, concludes that the basic halacha is to be lenient and views kashering utensils in this case as only laudable.

In your case, there is little room for concern. We forbid *ma’aseh Shabbat* after Shabbat only when the *chillul Shabbat* was intentional, and then only for the one who was *mechallel Shabbat*. According to most, it is not even forbidden for a person for whom it was done (see Magen Avraham 318:4); it is certainly permitted for others (see Orchos Shabbat *ibid.*). Therefore, since you had nothing to do with the *chillul Shabbat*, even the food and certainly its residue in the wall are permitted. (You did not ask and we will not discuss the topic of classic *kashrut* questions regarding an oven of one who is not Torah observant.)



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Ein Ayah

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

What Brings Us the Correct Light for Shabbat?

(condensed from Ein Ayah, Shabbat 2:1)

Gemara: [*Shemen kik* is one of the oils that may not be used for Shabbat lights because it does not get absorbed properly in the wick.] What is *shemen kik*? Shmuel said: I asked all those who go down into the sea, and they told me: "There is a certain bird in the cities of the sea that is named *kik*. Rav Yitzchak said: Cottonseed oil. Reish Lakish said: It is like the *kikayon* of Jonah (tree that miraculously grew to protect him and suddenly withered).

Ein Ayah: Shabbat is a totally holy day that is conducive to enjoyment and rest, and candle lighting adds peace and internal happiness. This is a good time to understand the truth-based success for body and spirit, which brings one eternal life and the tranquility enjoyed by the righteous during this fleeting life. This is in contrast to false success – material wealth, which most people chase without regard to the propriety of the means they use.

Oil is often used by *Chazal* to represent success (including Bava Kama 93a, Bava Batra 145b). A person can be represented by a wick trying to produce light with the help of oil. As long as one's success is external and he does not absorb it efficiently, his heart will not be filled with happiness and he will not experience rest or an elevated life in its fullest sense. This is like a wick in oil that is not absorbed in a manner that gives light that brings the desired peace to the house. By demanding high quality light for Shabbat, we remind ourselves that we want success that impacts the individual properly, i.e., internally, as fitting for one who sets his path by the Torah's true laws.

[We look for the identification of *kik* oil, starting with the seafarers' opinion – a bird from the cities of the sea.] The cities of the sea are known for a low moral level and distance from Jewish connections (see Avoda Zara 17a; Gittin 11a). People travel there because they are good places to accumulate wealth. Thus these are places where a person is likely to have "success" that damages one's spiritual status and connection to Torah. This is like oil that is poorly absorbed in a wick. A Jewish home should reject this, as it merits tranquility when based on the type of purity and modesty that are fostered by a beautifully lit Shabbat home. Seafarers, who know about ethical deterioration, identify *kik* as belonging to a bird of the cities of the sea.

Another problematic success, besides chasing after wealth, is success limited to one's imagination. While a person may externally imagine that riches and wildness will make him happy, he internally realizes these matters' hollowness and is internally sad with them. Grapes of the vine often represent happiness (see Sho'tim 9:13). A cotton plant resembles a grapevine, explaining why cotton is called *tzemer gefen* (the wool of the vine). However, its produce does not provide internal happiness like grapes but covers a person externally. Therefore, cottonseed oil represents another element of success without internal impact.

The biggest sign of meaningless success is that which is utterly fleeting, which is also a sign that it lacks internal connection. Jonah's *kikayon*, the tree that grew overnight only to similarly wither, conveys this idea (Yonah 4:10). Those who gain material success are like that. Even life in this world is in general like the *kikayon*. Real light and success connects to the sanctity of Shabbat. Its holy, happy light comes to a person who acted properly – not through the birds of the cities of the sea, cottonseed, or a *kikayon*. We want happiness that is a result of hard work, purity, and honesty. We want success that is used to help the poor, strengthen Torah scholars, and merit true internal happiness in a way that lasts well after the *kikayon* withers. We want oil that gives beautiful light on Shabbat and thus straightens one's path all week long.

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P'ninat Mishpat

Is Expensive Food for Sickness Included in Support?

(based on Shut Rabbi Akiva Eiger I:150)

Case: Yitro, who owned a store and wanted to retire, gave his son-in-law Moshe some money and sold him the store in return for a promissory note. Moshe also obligated himself to support Yitro during the rest of his life (the word used, *mezonot*, includes at least feeding but is often used broadly, referring to general support). Yitro has since died and Moshe now wants to reduce his debt from the note to the inheritors due to the fact that for quite a while, he spent extra money on a special diet due to Yitro's illness. Did Moshe's obligation to support Yitro include the extra medically related outlay?

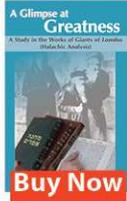
Ruling: The Rama (Choshen Mishpat 60:3) rules that if one accepted to support his friend, he is "not obligated in his medical expenses, only in the cost of his support like when he was healthy." The Rama's language needs explanation, as he is obviously still required to feed him while he is sick, so what does "support like when he was healthy" mean? The simple meaning is that he does not have to pay more to sustain his friend than when he was well. Admittedly, it is common for a sick person to eat less than a healthy one, and it could be saying that he has to give as much money for food as when he was eating more. This is parallel to one who accepts to support his stepdaughter for a set time, in which case he pays the money that food normally costs even if she is sick and eats less (see Rama, Even Haezer 114:5) and even if she marries and her husband provides for her (Shulchan Aruch, EH 114:9). However, while this halacha is true, the Rama's language implies he is limiting the obligation to no more than the sustenance of a healthy person.

The Ritva (Ketubot 102a), who is the source for the Rama, is also telling. He learns from the Yerushalmi that says that the supporter is obligated to pay the cost of a healthy person that he is exempt from medical expenses. How are those two matters connected? One possibility is that he equates between extra food expense for the sick and medical expenses. Another is that if he does not get a break when food bills go down, then fairness dictates that he shouldn't have to pay more when they go up. Either way, we see that Moshe was not obligated to pay for Yitro's expensive diet.

The querier suggested a distinction between one who accepts support for a set amount of time and one who accepts for the rest of his friend's life. The former does not obligate himself in medical expenses because people do not usually accept unexpected expenses but the latter has to expect medical expenses at some time in the future and thus becomes obligated. However, there is no source in *Rishonim* for such a distinction.

The querier also suggested that our case is parallel to that of partners who share income and expenses, where we say that open-ended medical expenses are parallel to food expenses (Shulchan Aruch, CM 177:2-3). This, he reasoned, is because they view themselves as in business together, which is also the case here, where Yitro left money for Moshe and helped with the store even after the sale. However, the comparison is not a good one. Regarding partners, just like Reuven could pay for Shimon's medical expenses, so could it be the opposite. In this case, while Yitro gave whatever he gave, support existed only from Moshe toward Yitro.

Therefore, unless the language used was that Yitro would be "fed from Moshe's table," the extra expenses are to be reduced from Moshe's obligations to Yitro's inheritors.



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