



HaRav Shaul Israeli zt"l  
Founder and President

# HEMDAT YAMIM

## Parashat HaShavua

Naso, 12 Sivan 5775

### Connecting Between the People and Hashem

Harav Shaul Yisraeli – based on Siach Shaul, p. 366-8

The beginning of our *parasha*, Naso, is linked to the end of the previous one, which is dedicated to counting. Here, the *Levi'im* are counted by family, and the specific tasks of each are recorded. The end of the *parasha* details the events of the inauguration of the *Mishkan* and the *mizbeach* (altar). In the midst, there are also discussions of matters that have to do with the *Mishkan* and with the *kohanim* who served there.

Out of these, let us concentrate on the *mitzva* of *Birkat Kohanim*. The *p'sukim* (Bamidbar 6:24-26) that comprise *Birkat Kohanim* are introduced with "So shall you bless Bnei Yisrael; say to them ..." (ibid. 23), and is followed by "And they shall place My name on Bnei Yisrael, and I will bless them" (ibid. 27).

The Rambam (Tefilla 15:7) asks and answers the obvious question: "Do not wonder: How can the blessing of a simple one (i.e., a mere human being) help? For the receipt of the blessing is not dependent on the *kohanim* but on Hashem, as the *pasuk* says: 'And they shall place My name on Bnei Yisrael, and I will bless them.'" The *kohanim* perform the *mitzva* in which they were commanded, and Hashem, in His mercy, blesses Israel as He desires."

Yet the Rambam's explanation begs explanation. If it all depends on Hashem and His desire, why were the *kohanim* commanded to bless? Can't Hashem do it without their intercession? What do the mere humans add?

The key is understanding what is meant by "placing Hashem's name" on Bnei Yisrael, i.e., to have it called on them. Hashem's kindness fills and flows throughout the world. However, something needs to be able to absorb that flow, and only with preparation for it can one be successful. The preparation is accomplished through the calling of Hashem's name on the people.

Malachi, the last of the prophets says: "For the lips of the *kohen* guard knowledge, and Torah they shall seek from his mouth, for he is an angel of Hashem, Lord of Hosts" (2:7). The *kohen's* personality has to be very pure – like an angel. Yet he, who raised himself in levels of sanctity through his work in the *Beit Hamikdash*, is very different from an angel. He must not sever his contacts with simple people. He must use his lips to preserve wisdom by teaching it to the nation. People are to be drawn to him and he is to provide inspiration. There is great consequence to the *kohen's* spiritual level. "If he is like an angel, they shall seek Torah from his mouth, and if not, not" (Moed Katan 17a). It is not only important what is taught but also who teaches it.

This is best represented with *Birkat Kohanim*, which is done with out-stretched hands. The one with "clean hands and a pure heart" (see Tehillim 24:4) is the one who stands before the people on the holy mountain and blesses the people with love. He elevates the people above the life of mundanity and fills them with holy feelings for the divine, which make them fit to be a "nation of *kohanim*." That is putting the name of Hashem upon the people and preparing them to receive the divine blessing, at which point the blessing comes itself. The blessing covers children and property, the city and the field, grace and a glowing face (different elements of the actual *berachot*). Above all, there is a blessing of peace, which holds together all the blessings.

"They shall place My name on Bnei Yisrael, and I will bless them."

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by Rav Daniel Mann

## Disposing of Old *Netilat Yadayim* Cups

**Question:** I have plastic cups that we had used for *netilat yadayim* and *negel vaser* but no longer need. Should I put them in *geniza*, just keep them, or dispose of them, and how?

**Answer:** The *gemara* (Megilla 26b) says that *tashmischei mitzva* (articles used to facilitate a *mitzva*) may be thrown away, as opposed to *tashmischei kedusha* (related to holy texts), which require *geniza*). The examples given for *tashmischei mitzva* are: *sukka*, *lulav*, *shofar*, and *tzitzit*.

The Tur (Orach Chayim 21) cites the Sh'iltot, that as long as *tzitzit* are still on the garment, they must be treated with respect and may not be used for non-*mitzva* purposes. Although they lack intrinsic sanctity, using them for other things while they are still slated for a *mitzva* is a *bizuy* (disgrace to the) *mitzva*.

Is there *bizuy mitzva* after one has finished using them? The Shulchan Aruch (OC 21:1) rules that *tzitzit* may be discarded in the garbage (although they may not be used for something disgraceful - see Mishna Berura 21:13). On the other hand, the Darchei Moshe (the Rama on the Tur) cites the Kolbo, who says that the *gemara* only means to exempt them from *geniza*, but one may not disgrace them, and the Rama (OC 21:1) says that throwing them out in a disgraceful place is included. He also cites the Maharil's more stringent practice to do *geniza* as a preferable but not binding practice.

The arguably different levels of *tashmischei mitzva*, depending primarily on the level of connection to the *mitzva*, apparently adds complexity. For example, the Shulchan Aruch (21:2) says that although one may not disgrace a *tallit*, it (the garment part) does not require *geniza* but may be thrown into the garbage. Unlike regarding *tzitzit*, the Rama agrees regarding a *tallit* (understanding of the Mishna Berura 21:13; see practical complexity in Living the Halachic Process, II-G-5). This is because although *tzitzit* are meaningless without the garment, the *tzitzit* are the main part of the *mitzva*.

A similar distinction exists regarding a *sukka*. The Mishna Berura (21:6; 638:24) forbids throwing *s'chach* to a garbage dump or even a place where many are likely to trample them. Regarding the walls of the *sukka*, he cites the Pri Megadim as saying not to use them directly for something disgraceful (actually, in Mishbetzot Zahav 21:2 he is uncertain), but brings no limitations on throwing them out. Again, while walls are needed for a *sukka* and are set aside for its exclusive use during the *chag* (Shulchan Aruch, OC 638:1), the *s'chach* has a higher *mitzva* status, which may increase the care needed after the *mitzva* is over.

What is a *netilat yadayim* cup's status in this regard? Our halachic intuition is that it is similar to a *tallit* and the walls of a *sukka* rather than to *tzitzit* and *s'chach*. After all, while a utensil (or a body of water) is required for *netilat yadayim* before a meal, the specific qualifications are very broad and general, and one does not need a special *netilat yadayim* cup (see Orach Chayim 159). While the *mitzva* of *netilat yadayim* always pertains, when one comes to retire a cup, it apparently can be disposed of like *sukka* walls.

We will now relate to different situations. Simple *netilat yadayim* cups that are often used for other kitchen purposes besides *netilat yadayim* do not assume any halachic status. It is laudable to avoid putting special cups used exclusively for the *mitzva*, directly in a garbage, especially with identifying elements that link it to the *mitzva* (see this distinction in Ginzei Hakodesh 20:(9) in the name of Rav Chaim Kaniefsky). Putting it in an opaque bag first sufficiently removes *bizuy*. Placing it in a recycling bin (if feasible) is a cleaner and more dignified solution (see Shevet Hakehati IV:OC 10). *Geniza* is certainly not required, and keeping them "around," without disgraceful use, is fine. Cups that are used primarily for *negel vaser* (upon awaking), after the bathroom, or before *davening* should be even more lenient, as there is not a real halachic requirement to use a cup for these (see Shulchan Aruch, OC 4:7)



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# Ein Ayah

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

## Spirituality Does Not Dampen Physical Comfort

(condensed from Ein Ayah, Shabbat 2:29)

**Gemara:** One who is careful about *mezuzah* will merit an attractive house. One who is careful about *tzitzit* will merit an attractive garment. One who is careful about *Kiddush* will merit filling barrels of wine.

**Ein Ayah:** There are people who believe a life of broadening physical pleasures is a correct priority because a healthy human spirit desires to live in physically appealing surroundings that give pleasure to his spirit. They wrongly think that the only way one will be able to satisfy his spirit is by putting physical pleasure at the center of his life goals, and then perhaps he can fulfill his desires. He thinks that if his inner goal is for a spiritual, eternal foundation and if material abundance will only be a means by which to achieve success in Torah and *mitzvot*, then the foundation of his life will be limited. He feels that then he will be living an unnatural life, considering that his spirit yearns for pleasure and aesthetics. In order to prevent these perceived wrongs, such people turn the secondary into the primary.

But actually, those people are embracing a falsehood. It is true that physical pleasures are a natural human tendency, but that does not mean that the pursuit of these pleasures should be the goal of life. Rather, the element of sanctity should be the basis for life, as it is a “fruit” that lasts forever.

Since there are great spiritual levels to be sought and it takes great efforts to succeed, a lot of physical preparations are needed to make that essential goal a reality. Therefore, a person should not exaggerate in the other direction and say, for example, that the only benefit of having a house is to be able to fulfill the *mitzva* that is connected to it (i.e., *mezuzah*). That indeed would contradict the natural inclination in man to desire a broad and attractive house for its own sake. Rather, one should make the spiritual into the main goal even as the embellishment of the physical side goes hand-in-hand with it. That is why the *gemara* says that one who puts up a *mezuzah* will merit an attractive house.

Similarly regarding garments, while their main purpose is to allow people to fulfill *mitzvot*, one need not remove a desire for nice garments, which can indeed be a positive consequence of being careful about the *mitzva* of *tzitzit*. Similarly concerning wine, even though wine should not be for simple pleasure alone, one should not think that the proper outlook closes the door on pleasures of life. Rather, he can look forward, through the *mitzva* of *Kiddush*, to have barrels of wine.

It is just that one who focuses specifically on the material will not reach the sanctity of lofty ideas and have the most refined happiness in life. Rather, the overly materialistic will be emotionally distraught when he grows old [and he loses interest in these things]. In contrast, those who look toward Hashem and see life as a good medium to achieve real goodness will see blessing even in that which is only a means to a goal, and they will be able to be happy in all situations. They will view their material gifts as aids in reaching a lofty level of spirituality and will love Hashem. That will allow the nice house, clothes, and wine to have great value as reward for putting one’s priorities in the right place – focused on the spiritual, with its *mitzvot* and sanctity in the center.

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## Responsibility for a Sefer Torah Burnt Along with a Yeshiva

(based on Chelkat Yaakov, Choshen Mishpat 26)

**Case:** A neighborhood [in New York, apparently] emptied out of Jews and its shul closed. The shul decided to keep their *sefer Torah* in a yeshiva; no payment was exchanged. Hooligans burned down the yeshiva, including the *sifrei Torah*. This created publicity and sentiment around the Jewish community, and donors were elicited to give *sifrei Torah* to replace those that were burnt. Now, the owner of the shul's *sefer Torah* wants that yeshiva to "return" a *sefer Torah*. The yeshiva responds that they are exempt as a *shomer chinam* (unpaid watchman). The owner also claims that since the yeshiva received new *sifrei Torah* through their campaign to replace the old ones, including the one he owned, he should get it.

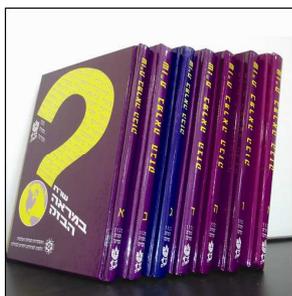
**Ruling:** While *hekdesh* (the infrastructure of the *Beit Hamikdash*) was exempt from the obligations of *shomrim*, this does not apply to yeshivot (see Shulchan Aruch, Choshen Mishpat 95:1). However, in this case, where the *sefer Torah* was destroyed by arson, it is considered *oness* (an extenuating circumstance), and the yeshiva is exempt for a few reasons.

A *shomer* is obligated to pay only if he accepts upon himself, at least implicitly, the obligations of a *shomer*. If he simply allows one to keep his object in his possession, he is exempt (ibid. 291:1). Often one gives his *sefer Torah* to a shul or yeshiva because he lacks a good place to keep it, not because he expects their involvement in its safe-keeping. Even if, due to a *sefer Torah*'s sanctity/importance, one usually accepts responsibility to watch it, we must determine what type of *shomer* the shul is.

One could claim that, assuming the shul (or, in this case, the yeshiva) uses the *sefer*, they become like a *sho'el* (borrower), who is obligated to pay even when it is destroyed through *oness*. However, not everyone who uses the object he is watching is a *sho'el*. It is only when the borrower receives all the benefit from the arrangement. The Shach (72:29) says that when one lends a *sefer* to his friend, since the fact that the lender does a *mitzva* provides him with certain benefits, it makes the friend considered, according to some opinions, only a *shomer sachar*, who is exempt from *oness*. While the Netivot Hamishpat (ad loc.) argues, he will agree in a case like this where the owner's benefit is strong, that the yeshiva is a *shomer sachar*.

Does the yeshiva owe the *sefer Torah*'s owner because they asked for donations to replace it? The *gemara* (Sanhedrin 48a) discusses what to do with money that was solicited for the needs of a specific dead person but exceeds the basic needs – does it go to the deceased's minor needs or to his inheritors? We see that money that is raised for the needs of a specific poor person stays with the recipient (including his inheritors) even when it exceeds the needs for which it was raised.

One might think to apply the idea of "how can one make profit from his friend's cow?" (see Bava Metzia 36b). In other words, in our case, how can the yeshiva be allowed to receive compensation from the community for the loss of someone else's *sefer Torah*. However, the context there is different (we will not go into the details), as there the one who is paying has a level of obligation to pay, and therefore he pays the real owner, not the middleman. Here, in contrast, people decided to make donations to the yeshiva because of their losses, only one of which was the *sefer Torah* in question. There is nothing that naturally links those donations to the owner of the *sefer Torah*. Therefore, the yeshiva does not have to return a *sefer Torah*.



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