



HaRav Shaul Israeli zt"l  
Founder and President

# HEMDAT YAMIM

## Parashat HaShavua

Tetzaveh, 11 Adar I 5776

### To Sanctify and Uplift

Harav Yosef Carmel

Our *parasha* includes many *p'sukim* (46 to be exact) about the inauguration of the *Mishkan*, which started with the Seven Days of *Miluim*. This topic is continued in *Sefer Vayikra*, in *Parashat Shemini*, after the laws of *korbanot* are discussed, as well as in *Parashat B'ha'alotcha*.

The structure of seven days followed by a critical eighth day is one that we find in several places in the Torah. We have seven days leading up to the *brit mila* on day eight. Shemini Atzeret is celebrated after seven days of Sukkot. The holiday of Shavuot is in the beginning of the eighth week after the seven weeks of *sefira*. We would also like to connect this to the *Shemitta* year. After seven years of the *Shemitta* cycle are repeated seven times, the Torah calls for the special year of *Yovel*.

Let us return to the Seven Days of *Miluim*. Just as the world was created in six days plus the seventh day of Shabbat, which completed creation, so too the *Mishkan* and the *kohanim* were prepared during seven days. So too, during six years of work and a seventh of sanctification, a parallel cycle is set. A landowner sanctifies himself by relinquishing his full rights of ownership, rights to debts, and involvement in his regular material-based lifestyle.

Let us try to take a deeper look at the concept of *kedusha*, which we usually translate as sanctity. While the main focus is usually on something that is separated from others, in our *parasha* we see another focus. The offerings from the special ram that were brought during the *miluim* are said to be sanctified, which is accompanied with the description of the process of the *kohen* taking these animal parts in his hands and raising and waving them (Shemot 29:24-27). A similar process is found in regard to Aharon's raising and waving of the *Levi'im*, who needed to be sanctified (Bamidbar 8:11-15).

This is not a simple physical act. Rather, lifting and waving are representative of the spiritual uplifting that must accompany sanctification, whether it has to do with the *Mishkan* or the sanctity of *Shemitta*. We want a *Mikdash* that will expose us to *kedusha* and inspire us towards our own *kedusha*. (The *korbanot* have a different nature, of connecting and drawing closer, but that is for a discussion on a different occasion.) We want to make use of the *Shemitta* experiences, which enable us to also separate ourselves from simple physicality. May we merit, with the help of everything that is *kadosh* within Torah and *mitzvot*, to be elevated ourselves.

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# Ein Ayah

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

## When Not Going Forward Is Going Backward

(condensed from Ein Ayah, Shabbat 2:152)

**Gemara:** One day the three [candidates for conversion, who were rejected by Shammai and accepted by Hillel] happened to be in the same place. They said: The *kapdanut* (exacting, intolerant nature) of Shammai attempted to have us lose our place in the world, and the *anvatanut* (humility, patience, tolerance) of Hillel brought us close under the wings of the Divine Presence.

**Ein Ayah:** Everyone has a preparatory track ready for the *shleimut* (completeness) that is destined for him and has everything that he needs to reach his highest potential. The shortcomings that are liable to undo the spirit and cause it to look for that which it desires are also planted in the nature of the spirit in a way that negatively parallels the potential for spiritual advancement. There are some shortcomings that are found only in those who have the potential for certain types of advancement.

There are righteous people among the nations of the world who never convert and are happy with their level and more limited obligations. However, one who is prepared for the lofty level of entering *Klal Yisrael* also has dangerous shortcomings ready for the possibility that he will not reach his potential and convert as he was designed to do. That is the reason that Shammai's exacting nature not only did not allow the candidates to advance but also threatened to lower them beneath the level at which they started, as upstanding gentiles. As those with the potential and interest in conversion, missing out on the opportunity would have been very bad. They could have missed out on even levels that simple non-Jews, with no aspirations of conversion or any other great spiritual dreams, have. They could have dropped to the lowest levels of moral waste.

In contrast, Hillel's humility not only saved them from deterioration but brought them to spiritual safety. This was not by means of simply remaining a fine non-Jew but by the eternal and lofty clinging to Hashem by joining His covenant.

When the three of them came to the same place and reflected on being pushed away by Shammai and being drawn close by Hillel, they came to a joint conclusion. They realized that there are two reasonable approaches, and one cannot say that there is no value in Shammai's approach. Given the greatness of Shammai as a person and the fact that he had a consistent, thought-out policy, it must have had value. There must be cases for which the absolute demand for high standards is useful.

They did not say that Shammai pushed them toward deterioration or that Hillel drew them close but that their approaches did, for the focus was on the approach, as opposed to the person. Actually, to maintain that which has already been acquired by the individual and the nation, high standards and discipline contribute a lot to keeping away corruptive influences. However, in order to make new acquisitions, for the individual or the collective, or to return that which has been lost, including bringing in people from the world at large, one has to use the *anvatanut* of Hillel.

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**the fallen in the war, protecting our homeland.**  
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# P'ninat Mishpat

## A Woman who Relinquished Rights to her Ketuba

(based on Shut Noda B'Yehuda II, Choshen Mishpat 32)

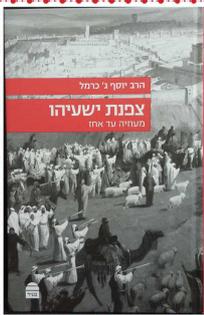
**Case:** Sarah relinquished her rights (*mechila*) to her *ketuba* in order to encourage her husband, Reuven, to give her a *get*. Now she wants to back out of this step. Perhaps we should say that simple oral *mechila* without a *kinyan* is not effective when the creditor (i.e., the wife) still has a document (i.e., the *ketuba*) that states that the debtor owes her money.

**Ruling:** It is not possible to extract money from Reuven when the Rama (Choshen Mishpat 241:2) says that *mechila* is valid even orally even when the creditor (here, Sarah) has a document. It is true that the Tur (CM 12) cites the opinion of Rabbeinu Yeshaya who distinguishes between cases in which there is a document and cases in which there is not. The Bach explained that the rationale is based on the idea that in a case of a document that is set to cause the payment of money, it is considered as if the money was already paid. The Shach (12:17) asks simply that we do not accept the opinion (Beit Shammai) who adopts that position.

The answer to this question is that it depends on the type of obligation that is involved. The reason that we do not always consider the payment of a *ketuba* as if it already occurred is that it is not clear that the conditions for payment will ever crystalize. In one case discussed, a question arose whether the wife lost her *ketuba* due to infidelity and then she died before the matter was resolved. Another such case in which Beit Hillel argued with Beit Shammai is when the debtor died, after which the creditor has to swear before receiving payment, and it is not clear he will do so. In such cases, Beit Shammai and Beit Hillel argue whether payment is still considered a definite thing that is viewed as if it was already received, which may impact on whether simple *mechila* will work. In all of these cases, the original parties are not all present. However, regarding a debt about which there is a document and the parties are all alive, all can agree that the creditor's hold on the money is strong, explaining Rabbeinu Yeshaya's opinion that simple oral *mechila* will not cause the debt to be relinquished.

On the other hand, the definite nature of payment of such a debt is only true when the debtor has resources from which he can pay. However, if all the creditor has to rely on to receive payment is the personal obligation of the debtor, then it is the type of debt for which *mechila* works. It would also seem that the language used makes a difference. If Sarah had said that she relinquished rights, one cannot relinquish rights of that which is already in her hands. However, since she used language of giving a present to Reuven of the value of the *ketuba*, it could work even though she has a *ketuba*.

In this case, though, Sarah does not lose her *ketuba*. Since I ruled that her *get* is invalid (the Noda B'Yehuda's son claims that the case was discussed in Noda B'Yehuda II, Even Haezer 105), the *mechila* that was done in order to get Reuven to give a *get* is not valid, as it is based on a false pretense when the *get* written is invalid.



### Tzofnat Yeshayahu- Rabbi Yosef Carmel

The Prophet Yeshayahu performed in one of the most stormy and dramatic periods of the Israeli nation's life, a period of anticipation for the Messiah that was broken by a terrible earthquake, and also caused a spiritual and political upheaval. The light at the end of the tunnel shone again only in the days of Chizkiyah.

"Tzofnat Yeshayahu – from Uziya to Ahaz" introduces us to three kings who stood at this crossroad in our nation's history: Uziya, a king who sought God but was stricken with leprosy because of his sin; Yotam, the most righteous king in the history of our people; And Ahaz, the king who knew God but did not believe in His providence.

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