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# HEMDAT YAMIM

## הַמְדָתָ יָמִים

### Parashat HaShavua

Teruma, 2 Adar 5778

#### What is Special About the Aron? (part I)

Harav Yosef Carmel

The aron (ark) was, for several reasons, the most special of the vessels that were in the *Mishkan*. First, it had a special covering (*kaporet*) out of which emerged the winged *kerubim*. It housed the *luchot habrit*, the Tablets that Hashem presented to Moshe. Perhaps most importantly, it served as the meeting and communicating point between Hashem, the Giver of the Torah, and Moshe, Bnei Yisrael's representative to receive it (*Shemot* 25:10-22).

The aron is also the only one of the vessels that is mentioned in the Torah in a context other than that of the *Mishkan*. The second time it is mentioned is: "And when the aron travelled, Moshe said: 'Arise, Hashem – Your enemies shall disperse, and Your enemies shall flee from before You'" (*Bamidbar* 10:35). The third time an aron is mentioned is as a wood container which Moshe took to store the second set of *luchot* given to him on Sinai (*Devarim* 10:1-3). *Chazal* dispute whether the three different Torah passages are talking about one or two different vessels. There is even an opinion among *Rishonim* that there were actually three aronot (we will discuss this in the future).

The Yerushalmi in Shekalim (6:1) says there were two aronot. One, which was kept in the *Mishkan*, contained the second set of Tablets and a sefer *Torah*. There was a different one, which contained the fragments of the broken first set of *luchot*. According to this approach, the first one is described in our *parasha*. It was made of wood and encased, on the inside and outside, in gold. We need to explain that first, the second Tablets were placed in an aron of wood and then transferred to the aron that stayed in the *Mishkan*. It was forbidden to remove this aron from the Holy of Holies of the *Mishkan*, except when the *Mishkan* was dismantled to be moved. The second one, which was made only from wood, is the one that is mentioned in *Bamidbar* and in *Devarim*.

*Chazal* attributed miraculous qualities to the aron. One of them is that, even though its size is mentioned in the Torah, it did not take up any space from a physical perspective (*Megilla* 10b). Thus, while the Holy of Holies was only 20 *amot* wide, there were 10 *amot* from one side of the aron and 10 *amot* from the other side.

Another miracle has to do with its weight. Much of it, including the *kaporet* and *keruvim*, were made out of gold, which has a very high specific gravity. It was, therefore, too heavy to carry naturally on people's shoulders, as the Torah requires. That is why *Chazal* taught us that the aron "carried those who carried it" (*Sota* 35a).

Next week we will continue to learn about what was unique about the aron, especially from a spiritual perspective. Let us pray that we will soon merit to witness a revelation of the Divine Presence, as it was in the time that the *Mishkan* was standing.

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# Ask the Rabbi

by Rav Daniel Mann

## Tefillin on a Semi-Permanent Toupee

**Question:** My balding at a young age is having a major effect on my dating and my self-image. I am considering getting a toupee that is glued down to the scalp, which lasts for 3-6 months. Would I have a problem of a *chatzitza* (separation from the body) for my *tefillin*?

**Answer:** The Rashba (Shut III:282) believes that the laws of *chatzitza* do not apply to the *tefillin shel rosh*. However, the accepted opinion is that *chatzitzot* are a problem, although possibly only for the *bayit* and not the *retzuot* (straps) (see Shulchan Aruch and Rama, Orach Chayim 27:4 and Mishna Berura 27:16).

Many *poskim* (including Igrot Moshe, OC IV:40.18; Aseh Lecha Rav III:3; Yalkut Yosef, OC 27:14) posit that a removable toupee is a *chatzitza*. However, Rav Moshe posits that transplanted hair is not a *chatzitza* since it is a permanent, desired part of his body. Furthermore, he writes that is also true for a permanently glued-on toupee. Is a toupee that is glued down for a matter of months a temporary or permanent appendage to the body?

Matters of *chatzitza* on appendages that remain for an extended period are discussed regarding items such as removable stitches and temporary fillings for women going to the *mikveh*. In that context, many *poskim* (see opinions in Badei Hashulchan 198:179 and The Laws of Nidda (Forst), vol. II, p.313-4) are lenient to allow *tevila*. One of the lenient factors (see Igrot Moshe, YD I:97) is that the ostensible *chatzitza* is something that is specifically needed for medical reasons for a significant amount of time. This factor is missing in our case. However, several *poskim* are lenient in a case of aesthetic need to allow a married woman to have braces on her teeth (see The Laws of Nidda ibid.), and that is parallel to our case. Our case is also better than braces in that people want to remove the braces as soon as possible, whereas you would want to keep the toupee as long as you can.

There are various opinions regarding how long the item needs to remain on the body: six months; a month; a week (see ibid.). Finally, if, for example, the required time is a month, then according to some opinions, the appendage becomes a *chatzitza* a month before it will be removed; others say that if it is on for a month, it is okay until it is removed (see ibid.). Your situation is better if the toupee is being removed to be re-glued rather than replaced. A woman who wants to follow the stringent opinion can accordingly synchronize going to the *mikveh* and removing the appendage; a man who has to put on *tefillin* every day cannot.

Let us halachically contrast *tevila* and *tefillin*. On the one hand, *tevila* is needed to remove a more stringent halachic matter than *tefillin*. Also, we saw an opinion that *chatzitza* is not a problem for the *tefillin shel rosh*. Yet, in other ways, your case is more severe. A *chatzitza* on a minority of the body (as in the cases above) is no worse than a Rabbinic disqualification (Nidda 67b). In contrast, the entire area of the *tefillin* is covered by a toupee, and there is thus the potential for a Torah-level disqualification (see Ran to Rif, Sukka 13b). Some even argue that the parameters of *chatzitza* for *tefillin* are broader than for *tevila* (see Riveivot Ephrayim III:38), and some claim that even one's own hair that is under the *tefillin* in an unnatural way is a *chatzitza* (Machatzit Hashekel 27:4). A toupee should be no better than that.

In summary, it is likely that the toupee in question would not be a *chatzitza* (and one could make a *beracha* on the *tefillin* while it is on) as long as it is still considered desirable. However, we cannot deny that according to significant opinions, the *mitzva* of *tefillin* could be compromised. In the following way a removable toupee has an advantage. Several *poskim* allow one who will be embarrassed to remove it publicly to put on *tefillin* at home without the toupee, say *Kri'at Shema*, and then *daven* in *shul* with *tefillin* on the toupee without a *beracha* (Igrot Moshe ibid.; Aseh Lecha Rav, ibid.).

**Do not hesitate to ask any question about Jewish life, Jewish tradition or Jewish law.**



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# Ein Ayah

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

## The Connection between Letters and Sinai

(condensed from Ein Ayah, Shabbat 6:19-20)

**Gemara:** The letter *shin* on the *tefillin* is a *halacha l'Moshe miSinai* (it was handed down orally by Hashem to Moshe at Sinai). The letter *dalet* [which is formed by the straps] of the *tefillin* is a *halacha l'Moshe miSinai*.

**Ein Ayah:** Sinai is the place that represents humility (see Megilla 29a). We find Hashem's greatness in the place where we find His humility. Hashem's revelation is seen by man according to his ability to grasp it with his intellect and senses, although he is never able to grasp the secret of His complete oneness.

The light of Hashem appears as three lines that extend in different directions across the world: kindness, justice, and the middle ground between them. This idea also applies to things that relate to community, to the individual, and to the elements that connect them. In all elements of existence, we know that distinct lines are united at one point, i.e., they have a common goal, which envelops the breadth of reality.

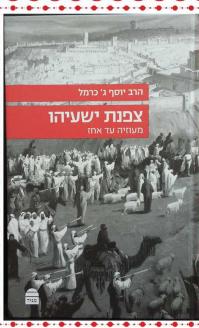
There is a lower level of unity, which contains shades of the general lines of intellect and strength, according to their innate characteristics, and has the ability to complete their spiritual images. This "ray of light" is also a unique line that goes in the same direction as the others. All of these ideas are ways of the world, which were passed to Moshe at Sinai, which allow the lofty knowledge of Hashem to reach a low enough point for man, who lives on earth, to find the highest level that is embedded in his spirit.

The letter *shin* consists of lines that are separate on the top, the part that represents the beginning of existence. On the bottom, the part that corresponds to the process' end, they unite. This is a clear and set testimony to raise a person to the unifying source of light. This is done with the greatest humility (represented by Sinai), which finds good feeling and calmness in every recognition of truth and in all good that exists under all circumstances, for all lead to one place. This is the grandeur (a hint at *tefillin*, called *p'er*), which constantly fills the heart with the recognition of the G-d of truth, the one and unique King.

The Torah of truth, our nation's legacy, includes all the ways of life we need for eternity, both nationally and individually. It includes all the values and guidance for all life situations. "You shall lead me with Your advice, and You will take me to follow Your honor" (Tehillim 73:24). We learn from He who counted the soil of Yaakov that endless *mitzvot* are fulfilled with earth, referring to the lowest and most land-based activities.

The most profound tendencies are a "line" to light and kindness and can be described as the ones that lean to the right. Intellectual lights, represented by the letter's upper part, are broader than the love of physical actions of kindness. Since the fruit of wisdom is established in the light of Hashem for eternity, this is the ultimate light of kindness. Hashem's light has hovered above us since Hashem called His name upon us and changed us by giving us the light of Torah by means of Moshe, His trustworthy shepherd, whose life was based on the light of Hashem. True kindness was also Moshe's desire. The formation of the wisdom and kindness is represented by the letter *dalet*'s horizontal and vertical lines. It extends across the top and goes down with a right-sided line that serves as its base. "For I have said: 'The world will be built on kindness'" (Tehillim 89:3).

The *dalet* of the *tefillin* is a *halacha l'Moshe miSinai* because wisdom that is rooted in humility connects to a "line to the right," representing support for those in despair. This is different from wisdom that is "dressed in grandeur," which forgets needy people. The Torah of Moshe is different, because to him Hashem said: "I have seen the torment of My nation in Egypt and I have heard their screams" (Shemot 3:7).



### 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.

In his commentary on the prophecies of Yeshayahu, Rabbi Yosef Carmel, Head of the Eretz Hemdah-Gazit rabbinical court and a disciple of Rabbi Shaul Israeli zt"l, clings to the words of Hazal, our sages, and to the commentaries of the Rishonim, the great Jewish scholars of the middle ages, and offers a fascinating way to study Tanach. This reading attempts to explain the Divine Plan in this difficult period and to clarify fundamental issues in faith. Tzofnat Yeshayahu reveals to the reader the meaning of the prophecies in the context of the prophet's generation and their relevance to our generation.

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# P'ninat Mishpat

## Policy Change to Pay Settlement Tax

(based on ruling 76067 of the Eretz Hemdah-Gazit Rabbinical Courts)

**Case:** The defendant (=def) has lived in a *yishuv* for years, originally with his family. A few years ago, he was divorced but continued living in the *yishuv* as a boarder, and he was not required to pay a *yishuv* tax. In September 2013, the *yishuv* board (=pl) voted to make people in def's situation pay the tax. After not receiving payment from def for a few months, pl hand-delivered a letter threatening legal action if def did not pay. In May, pl summoned def to our *beit din*. Def sent a letter to *beit din* complaining about the change in policy, the impersonal way it was carried out, and the fact that the *yishuv* had not given him his own mailbox (which explains why he did not get pl's earlier letters). Def did not sign an arbitration agreement or promise to submit to *beit din*, nor did pl receive *beit din*'s permission to seek payment through the court system (their agreement had an arbitration provision to come to *beit din*). Pl went straight to *hotza'ah lapoal* (court collection services) to extract payment with the claim that def's tax obligation is a straightforward obligation, and def did not legally fight that action. Pl extracted 4,371 shekels from def, and *hotza'ah lapoal* charged him an extra 2,250 shekels for the process. As of the time of the *din Torah*, the amount def still owed, according to pl, was 9,770 shekels. Def argues that since the family that includes his children, which he helps support, is taxed, it is wrong to tax him as a separate family unit. He claims to never have refused to come to *beit din*, just that he demanded that *beit din* ensure he receive a mail box before he would come. Also, members of pl agreed to a reduction in the tax, so pl cannot now demand full payment.

**Ruling:** Regarding pl's authority to start taxing def, Halacha recognizes the public's broad taxation rights (see Shut Harashba VII:340), and, historically, we rarely find *beit din* intervening. Since there are no claims that pl acted arbitrarily or discriminated, just def's claim that he viewed the decision as unfair, we find no basis to second guess the democratic, legal decision. The claim that pl acted insensitively in carrying out the decision is not relevant in adjudication.

Regarding the public's right to extract payment at *hotza'ah lapoal* without proper adjudication, the *dayanim* differed. One *dayan* invoked the Rama's (Choshen Mishpat 4:1) ruling that in a dispute between the community and an individual, the community is entitled to seize guarantees of payment before adjudication. The majority ruled that the reasons behind the Rama's ruling are unique to the old system, where the community collected taxes to pay the king. In contrast, the taxation in question here is a more standard monetary claim, which should follow normal systems. However, all the *dayanim* agree that pl was required to continue the process of adjudication; def never rejected *beit din* but simply raised certain reservations. Therefore, the sum of *hotza'ah lapoal* expenses is to be reduced from the taxes due.

Finally, while a member of pl may have expressed willingness to forgive some of def's obligation, def did not go through the process used to request reductions; an individual board member has no authority to waive funds owed.

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