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# HEMDAT YAMIM

## חֶמְדַּת יָמִימִים

### Parashat HaShavua

Vayikra, 7 Nisan 5781

## A Soul who Sinned against ... Hashem?

Harav Yosef Carmel

The last section of the *parasha* opens as follows: "Should a soul sin and misappropriate from Hashem (*ma'al baHashem*) and deny to his friend about a watched item, or by putting money given to him in his own hand, or he stole, or he refused to pay wages due" (Vayikra 5:21).

Almost the entire *Sefer Vayikra* and, especially, this first *parasha* deals with the service of the *kohanim* in the *Mishkan* and beyond it. These activities belong to the *mitzvot* between man and Hashem. These *p'sukim*, in contrast, deal with matters between man and his fellow man, and the Torah still calls it a *ma'al baHashem*. In addition, how does a human being carry out a *ma'al* of Hashem? We will suggest an explanation based on the simple reading.

The simple answer is that one "misappropriates" from Hashem by taking or withholding that which belongs to another person, as the *pasuk* continues to bring examples. One way is by watching an object or money and denying it in order to keep it, or take money that you were supposed to have been investing for someone else and pocketing it instead. Of course, there is simple theft. And finally, there is the severe sin of withholding pay (or benefits) from a worker. The conclusion of this is that this type of monetary impropriety against an individual is also a direct affront against Hashem.

We will now present another explanation, this one more homiletic of nature. A physical person has a spirit (*nefesh*), like other members of the animal kingdom. What makes him different is his *neshama* (soul), which is a divine element. Man receives his *neshama* as a *pikadon* (for safekeeping), and when his life is over (hopefully at 120), he returns it. He must be very careful how he guards it, especially since he is borrowing it, a status that obligates a normal watchman of that type to be liable to pay for it even if it is lost or destroyed due to extenuating circumstances. If he uses the "object" normally and, as a result, something happens to it, he is exempt, but if he uses it in a nonstandard way then he is obligated. So the affront to Hashem is if he uses his soul in a manner that is different from that for which his Maker earmarked it, for example by taking advantage of the monetary rights of his fellow human being. Then, even if his observance in matters between man and Hashem was good, he is still in a difficult position in relation to the owner of the soul.

The Coronavirus has been damaging humanity as a whole, but of course we feel close to home how strongly it has affected the Jewish people worldwide, including as we are preparing for Pesach. This causes us to do soul searching. We may have to be separated for a time from very close relatives, as we have on and off for a year. We have the opportunity to "look for *chametz* in holes and cracks," i.e., within our souls, in the deepest and often highest places of our soul. We need to escape thinking too much about the welfare of our personal ego, which can be compared to the leavening agents that cause things to puff up. When one sees himself as in the center, then he can try to take things for himself, as the *pasuk* we started with describes. We need to find the *afiku man*, representing taking out the *manna*, which came in the desert instead of the unleavened *matzot*. Then we can sing of the redemption of our souls.

In Egypt, we put the blood on the doorposts to avoid the plague (Shemot 12:13). Let us unite and put the needs of the community before the needs of the individual, and hopefully we will also be spared of the plague as well.

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Those who fell in wars for our homeland. May Hashem avenge their blood!



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# Ask the Rabbi

by Rav Daniel Mann

## Erev Pesach that Falls on Shabbat

[We are happy to take this teshuva "out of mothballs" from 13 years ago, the most recent occurrence of this special calendric phenomenon.]

**Question:** What do you suggest we do on *Erev Pesach* this year, which is on Shabbat, regarding when and what to eat?

**Answer:** Among the valid solutions to the challenges of *Erev Pesach* on Shabbat, people must determine the most practical solutions, according to the halachic possibilities their rabbis present. One practical assumption is that people will use only *Pesachdik* and/or disposable utensils, keeping any remaining *chametz* separate. "Bread" is needed for the first two meals and is preferred for *seuda shlishit* (Shulchan Aruch, Orach Chayim 291:5), which should be held in the afternoon (ibid. 2). Since the prohibition to eat *chametz* begins four halachic hours into the morning (consult a local calendar), our standard Shabbat practice needs to be changed. Let's take a meal-by-meal look.

Friday night meal - Those who do not want to keep *chametz* around can eat *matza* according to most *poskim*. If one has the *minhag* not to eat *matza* from the beginning of Nisan, *matza ashira* (known as "egg *matza*") is an alternative.

Shabbat morning meal - If one finishes eating *chametz* (not necessarily the whole meal) by the end of the 4<sup>th</sup> hour, accomplished by *davening* very early, matters are halachically simple. (Getting rid of crumbs or leftovers by the end of the 5<sup>th</sup> hour is solvable and beyond our present scope.) *Matza* is desirable for situations when it is hard or nerve-racking to deal with *chametz*. However, *Chazal* forbade eating *matza* on *Erev Pesach*, according to most, from the beginning of the morning, so that when we eat it at the *seuder*, it will be clear that it is for the *mitzva* (see Rambam, *Chametz U'matza* 6:12). However, one may eat *matza* that cannot be used for the *mitzva* (Shulchan Aruch 471:2), primarily, *matza ashira*, which is kneaded with liquids other than water (see *Pesachim* 35a). If it contains no water, most *Rishonim* rule that it cannot become *chametz*, and one would seemingly not need to rush.

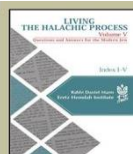
Yet there are two issues. Firstly, as Ashkenazim are stringent to treat *matza ashira* as possible *chametz*, which is permitted to eat on Pesach only in cases of great need (Rama 462:4), the time issue reawakens. (Some *poskim* rely on the *Noda B'yehuda* (I, OC 21) that it is sufficient to be wary of *matza ashira* only after midday of *Erev Pesach*.) Secondly, *matza ashira* may have a status of *pat haba'ah b'kisnin*, similar to cake, making it a questionable substitute for *challa*. (Igrot Moshe OC I:155 explains that this is not a problem on Shabbat, but still seems to prefer *challa* when convenient. To see Rav O. Yosef's preferred solution, see *Yechaveh Da'at* I, 91).

*Seuda shlishit* (=ss) - We mentioned the two preferred opinions about how normally to perform ss, which conflict this Shabbat. One is to eat bread at ss. The other is to have ss after midday, at which time *chametz* and *matza* are forbidden, and *matza ashira* is problematic for Ashkenazim. The Rama (444:1) says that we eat other foods, such as fruit or meat, at this ss. The Mishna Berura (444:8) cites a different solution, of breaking up the morning meal into two, so that one can fulfill ss on *challa* or *matza ashira* at that time. He points out that there should be some break between the two meals, to avoid a problem of an unnecessary *beracha*. However, he does not say how long that should be. Opinions range from a few minutes to half an hour, with some suggesting taking a short walk in between (see *Piskei Teshuvot* 444:6). One who is not usually careful to have *challa* at ss throughout the year need not consider this idea. He can eat a normal ss for him (no bread) in the afternoon, preferably earlier than usual to leave a good appetite for the *seuder*. Even those who are stringent about ss may follow the Rama over the Mishna Berura's suggestion, which is somewhat counter-intuitive and not without halachic problems. Sephardim, who can use *matza ashira*, must do so before three hours before sunset (Shulchan Aruch, OC 471:2).

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

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## Igrot HaRe'aya – Letters of Rav Kook

### The Need to Be Connected to our Past – Letter #18 – part II

**Date and Place:** Adar 5665 (1905), the holy city of Yafo

**Recipient:** An open letter

**Summary of Part I:** Last time we saw the beginning of Rav Kook's public rebuke of the editor of the *Hashkafa* periodical. The latter had written that the Zionists for Zion who accused the Ugandists of turning their back on their pasts were hypocrites because all Jews, except the extreme religious, turned their backs on their past, and he is proud of that.

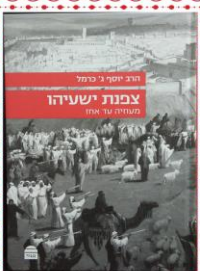
**Body:** I am judging in a meritorious light our "hanging limb" (i.e., one who is not properly connected to the "body" of the nation), the editor of *Hashkafa* (Eliezer Ben Yehuda). His dreams are purely a function of the musings of his heart. His Jewish name perhaps already has rotted by him, and it may be that he already does not feel any connection to our past. Perhaps he can comfortably say that he has turned his back on it (in truth, when withering leaves like these fall from the tree, it does not cause great loss to the "orchard of the House of Israel").

In his type of outlook, there is no other [legitimate] viewpoint in the world other than his own, and whoever opposes him must be a member of the "Searching for Sin" (a term Ben Yehuda used for zealous religionists), whom he portrays as monsters and the symbol of people who do not fit in with society. Let us leave him to dream as he wishes. However, when he comes to testify that all of us are hanging limbs like he is and that we all say that we have turned our back on our past, which is the source of our life that is connected to our present and our future until eternity, then we are required to protest. We must announce that this is not in our hearts, but that these ideas that blaspheme "*ma'archot Yisrael*" (the term Goliath used in mocking the G-d of Israel – Shmuel I, 17:10) emanate from his heart.

I am not at all getting involved in the argument between the "Zionists of Zion" and the "Ugandists." There are certainly, in both factions, people who are honest and truly love their nation, who do not at all turn their back on the past, just as there are such people among those who oppose the Zionist movement as a whole. It is a bad sign for a faction if it thinks that only within it is there a "source of life," or that it contains all of the wisdom and the integrity, and that anyone else is full of vanity and bad spirit (based on Kohelet 2:17).

Therefore, there is no need whatsoever for the Ugandists to defend themselves with this pronouncement, i.e., that they turn their back on their past. They are Ugandists without that claim. It is only the imagination of the editor of *Hashkafa* and the few who "drink his water" to find support for their desire to turn their back on the past, like "writing on the horn of a bull that they have no part in the G-d of Israel" (what the Greeks demanded of the Jews to do – Yerushalmi, Chagiga 2:2).

*We continue next time from this point.*



**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

## Refund for Bar Mitzva Cancelled Due to Covid – part II

(based on ruling 80099 of the Eretz Hemdah-Gazit Rabbinical Courts)

**Case:** The plaintiffs (=pl) signed with the defendant (=def) in Nov. 2019 to make a bar mitzva party for their son in June 2020, with def providing a hall and food for 200 people. Pl gave a non-refundable 3,000 NIS down payment. In April 2020, during the first Corona lockdown, pl demanded a return of the down payment; def refused. As the time approached, def did not present plans to hold the party, and pl arranged a party in a makeshift location. Two days before the bar mitzva, as restrictions were easing, an employee of def called pl to discuss rescheduling the bar mitzva, which pl was not interested in. Pl claim that since they received no benefit from def and the pandemic was something that precluded everyone from making such parties, they should receive their money back. Additionally, def did not work to arrange a smaller affair outside. Def argues that since he could not have made a party as planned and the money was given before signs of the pandemic existed, the non-refundable down payment need not be returned. He claims that almost all of his customers agreed to reschedule.

**Ruling:** We saw last time that in a standard case of pandemic-caused cancellation, the customer gets his down payment back.

Does def's claimed offer of an alternative make a difference? Def admitted to not having offered to do the event outside on time, which was then a possibility. He implied that he did not look for alternatives because pl asked repeatedly for a refund. In any case, pl did not have to accept a different type of event than that which was agreed to, including by changing the date (pl claims doing it on the exact birthday was important to them).

The contract states that the "down payment will not be returned in any case, including mourning." Generally explicit agreements change the regular rules, but here it is not so for a few reasons, all connected to the idea of following the sides' intentions. First, if we take the language of the contract literally, then even if def decided not to do the bar mitzva, he would not have to return the down payment, which is inconceivable. Rather, it refers to pl backing out, no matter their reason, and this indeed is what all the examples given in the subsequent lines relate to, including death of a relative. This should not extend to cancellations due to an external factor affecting both sides. Also, when conditions are made, they do not apply to extraordinarily rare cases (see Shulchan Aruch, Even Haezer 144:1 and Taz ad loc.) That is because those making the agreement did not have such cases in mind. Certainly, a virus that has caused Israel to close all halls has not happened in many decades.

Sometimes in cases like this (*makkat medina*), *batei din* employ compromise as suggested by the Chatam Sofer. In this case, we have decided not to do so for several reasons, including: 1) neither side wants compromise; 2) the Chatam Sofer discussed a case of an ongoing relationship, whereas here def never ended up providing anything for pl; 3) we think def could have done more to accommodate pl. Therefore, def must return the whole deposit.

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