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PARASHAT HASHAVUA

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Keep Away from What?

Rav Daniel Mann

Our *parasha* finishes with laws of *tumah* that come upon people, some affecting men and some affecting women, due to discharges from their body. The *halachot* discussed focus on what makes one *tamei* for how long, when and how one becomes *tahor* again, and what *korbanot* he brings in this context. The following *pasuk* (Vayikra 15:31) seems to be the beginning of the general *p'sukim* of summarization: "You shall separate Bnei Yisrael from their impurity, and they shall not die in their impurity while contaminating My sanctum that is in their midst." *Chazal* explain that this commandment of separation is to not enter the *Mikdash* in one of several possible states of *tumah* (see Sifra in the beginning of Tazria).

It is strange structurally for the Torah to insert, at the point of summary, a new halacha of not entering the *Mikdash*, when this topic is dealt with elsewhere (including Bamidbar 5:3) but not here. It is also hard to pinpoint the meaning of the phrase "separate Bnei Yisrael from their impurity." If this halacha instructs not to enter the *Mikdash* in that state, it should say to separate from the sacred while *tamei*, not separate from the *tamei*. It is difficult to say that it means that the pure should stay away from the impure because neither the text nor the *Torah sheb'al peh* on it offers such an indication.

Turning to Bamidbar 5, where the positive and negative commandments of not entering the *Mikdash* while *tamei* appear (see Sefer Hachinuch #362, #363), the Torah says, "Send out of the encampment" a variety of people who are *tamei*. However, *Chazal* explain that they do not have to leave the main encampment, just the area of the *Mikdash*. This too is difficult. Since people do not live in that area, they do not need to be sent away but rather should be instructed not to approach the sacred area.

We can suggest an answer to all these questions with the help of the Sifra on our original *pasuk*. *Chazal* expound on the words "My sanctum that is in their midst" that "even though they are impure, My Divine Presence is in their midst." If that is the case, then the problematic confrontation between the impure and the sacred exists even when the *tamei* person remains where he is. On a practical basis, there is ostensibly little the person can do. He can't run away from himself, and he cannot tell the Divine Presence not to approach when he is *tamei*.

Thus, the *p'sukim* write the *halachot* as if the *tamei* was to be sent away from his home (as hinted in Bamidbar 5) and stay away from the *tumah* in his own midst (as hinted in Vayikra 15). Practically, a person is to stay away from especially holy places. He is also to use the systems of purification spelled out previously in our *parasha* which "separates himself" from his own *tumah*. Not only does this save him from mistakenly going where he is halachically forbidden, but also removes the spiritually unnatural situation of "hosting" the Divine Presence while in a state of *tumah*.

We should always view ourselves as striving for purity and realizing our potential for sanctity and connection with the Divine Presence. Even if there are few operative *halachot* of *tumah* in our days, our mindset should be one of people connected to these two values.

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by Rav Daniel Mann

Checking Books for Chametz

Question: Do one's books need to be checked for *chametz* or sold before Pesach?

Answer: The *gemara* (Pesachim 6b), in discussing the need for *bitul* (nullification of) *chametz*, says that *peirurim* (small pieces or crumbs) do not need *bitul*, as there is no *bal yeira'eh* (prohibition to possess) because they are insignificant. Important *poskim* (including Ritva, Pesachim 7a; Pri Chadash, Orach Chayim 444:4; each refers to those who are stringent) understand from here that there is no need to discard crumbs.

On the other hand, the *gemara* (Pesachim 45b) says that pieces of dough under the size of a *k'zayit* that are stuck to a utensil (even one not used on Pesach) need to be discarded. The Shulchan Aruch (OC 460:3) requires *bitul* on pieces of dough that fall while making *matza*. Several distinctions may impact on the need to remove small pieces and help answer contradictions: dough (requires disposal) vs. bread crumbs (do not) (Magen Avraham 260:2); whether the pieces are clean (Mishna Berura 442:33); whether they are in a prominent place (see Shut Nitei Gavriel, Pesach 1).

You ask not about disposing known *peirurim* but searching for them, and we note the following *halachot*. One must check only the type of room that one would enter holding a piece of *chametz* (see Pesachim 8a with Rashi); we are not concerned about crumbs falling. If a toddler took *chametz* to a place where *bedikat chametz* was done and we found *peirurim*, we can assume the rest was eaten and do not need to re-check (Shulchan Aruch, OC 439:1), despite the likelihood of additional crumbs.

Perhaps the first major *posek* to require (not just out of piety) checking for crumbs is the Chayei Adam (II:119:6). He learns from the idea of checking in crevices (Pesachim 7a) that *bedika* is needed for crumbs, reasoning that despite the lack of *bal yeira'eh*, there is concern one may come to eat them. The Chazon Ish (OC 116:18) goes further, saying that if he does not check for crumbs, they are forbidden after Pesach, and he is perhaps the first to say that one must check his *sefarim*. This is not obvious from the Chayei Adam, as one does not purposely put food on *sefarim* and it is also unlikely that one would come to eat crumbs stuck to a book or trapped in its binding. The Mishna Berura (442:33), for example, says that everyone agrees that a piece of less than a *k'zayit* of soiled *chametz* does not need to be discarded.

The S'fat Emet (Pesachim 6b) proposes other reasons not to check for crumbs: 1) It is too much work for *Chazal* to have made it necessary; 2) It is anyway impossible to succeed in removing all crumbs. These points lead us to the following observation. What many people call "cleaning" their books in a few hours would not suffice if the obligation was rigorous; it would take tens if not hundreds of hours. While that might be a modern problem (a modern library of bound books is harder to check than a few scrolls), it is still illogical from the perspective of "halachic history" that discussion of the problem of checking books surfaces only in the 20th century.

The practice of some to "shake out" books is reasonable as a stringency (or spring cleaning), but realize that checking books for *chametz* is no more than that. The idea that some illustrious contemporary *rabbanim* suggest of selling *sefarim* to a non-Jew is less wasteful of precious time than properly checking them. However, this is a recent invention not imagined by those who instituted *mechirat chametz* for sell valuable *chametz*. How can one be required to sell a valuable collection of *sefarim* (and raise questions about the sale's seriousness) and take them out of use for Pesach to avoid a problem very few *poskim* believe exists (see Chazon Ovadia, Pesach p. 38)? My personal choice of halacha/*chumra* is to clean bookshelves, not to use the same books at the table for during the year and for Pesach, and to sell *bentchers*. Important sources (see Shulchan Aruch OC 442:6) say not to belittle extra-halachic stringency regarding *chametz*. However, we oppose making new *chumrot* with a weak basis standard.



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Ein Ayah

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

Keeping Things Simple

(condensed from Ein Ayah, Ma'aser Sheni 23)

Gemara: [At the end of the declaration upon the fulfillment of the *mitzvot* of *ma'asrot*, one declares]: "Gaze from Your holy abode, from the Heavens" – we have done that which You decreed upon us; You too, do what You promised us.

Ein Ayah: When a person is elevated to the point that he becomes close to Hashem and has the benefit of true intellectual realizations, then he will be drawn to service of Hashem and all elements of good with love and the understanding of the good that is included in the *mitzvot*. However, then he has to be careful not to decide that all the goodness and the desired benefit from the *mitzvot* is that which he has been able to realize with his intellect. In fact, people's thoughts change, and in different generations there will be different abstract conceptions. On the one hand, one is supposed to explore the understanding of Torah and *mitzvot* according to the power of his intellect and the purity of his heart and increase the power of his approach to Hashem according to intellectual inspiration. However, on the other hand, he should exercise the approach which we can call, "I am simple and do not know; I was like an animal with You" (Tehillim 73:22). He should contemplate that in relation to the true value of the Torah and the *mitzvot*, all that he is able to understand is like nothing. Therefore, even if he is on a high level, epitomized by *ma'aser sheni*, which indicates that every person has an element of *kehuna* in him, he should not build the foundation of his service on that intellect. Therefore, a wise person's crowning achievement is to lower his spirit when building the basis of his service. The simple idea is one which is appropriate for us on our lowly level even though for the Master of all that happens in the world, there is a much more complex understanding of Torah and *mitzvot*. That is why we conclude the declaration upon completing the fulfillment of the *mitzvot* of *ma'asrot* with a very simple concept, one which a simpleton is also capable of saying, and that is the following.

Hashem's decrees are to be followed. As a simple and straightforward result of our compliance to Hashem's decree, we are to expect that since we did what Hashem demanded, He will keep the related promises. A person should not connect what he considers his deep understanding of the significance of the *mitzvot* to appropriate outcomes of the actions. Indeed, as much as we can intellectualize, we will not reach the bottom of the matter. Rather we should teach our heart to approach the matter simply and express the simple philosophy of reward for good deeds without additional reasons and attempts at sophistication. From this will stem the good fruit of lofty blessing that flows from the grandeur of fulfilling the Torah. The great message of holding back our knowledge of Hashem's grand plan as perceived by our weak ability to grasp is best expressed when we explain the consequences of *mitzvot* most simply – Hashem decrees and fulfills His promise when we fulfill the decree.



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Demand to Remove a Chazan from His Post

(based around Shut Maharam Padova 64)

[One could argue whether or not this question of "Orach Chayim" belongs to this column. Still, a matter of dealing with claims between parties in the public arena, stemming from a fight over money raised by the community, is too related to matters of *beit din* and too interesting to skip over.]

There was a dispute between members of the community of Mantova (Italy), Chaim and his son, on one hand, and Menachem Raphael, on the other. The former were set *chazanim* for the community for many years without any complaints against them, including from Menachem Raphael. Recently a bitter dispute erupted between Chaim and Menachem Raphael, which began when Chaim volunteered to help the community collect the *tzedaka* assessments made for members of the community to donate. Upon trying to collect from Menachem Raphael, very harsh words were said, and feelings of hatred developed. Menachem Raphael wants Chaim and his son to not be *chazanim* any more based on the ruling of the Mordechai (Chulin, 597) in the name of Rabbeinu Simcha that an enemy of a member of the *shul* is not to be appointed as *chazan*. The Maharik (44) says that Rabbeinu Simcha's ruling applies even when only a single person is an enemy of the *chazan*.

However, this is a misapplication of the ruling, as the Maharik says explicitly that if the person who now objects to him agreed to him previously, he cannot protest. The Mordechai and the Aguda also talk about not appointing him as a *chazan*. The case of a single enemy in the community is one in which we do not appoint and we do not remove from the post. It is not fair to the majority of the community to deprive them of their *chazan* because an individual now has a relationship of enmity.

It is even clearer in this case, where the problem started due to Chaim's willingness to collect the *tzedaka* assessment which Menachem Raphael did not pay. Therefore, it is up to the community as a whole to decide what they would like to do about the matter.

The one demand on Chaim and his son is to promise that they will do their part to remove their hatred for Menachem Raphael from their hearts and to have in mind that their *tefillot* will count toward fulfilling his obligation. It has been the practice for a long time to make *chazanim* who might try to exclude people from the *tefilla* promise that they are including them in their intentions, and we have done this for years in our community. If Menachem Raphael does not believe that the *chazanim* are indeed having him in mind in their *tefillot*, he should go to another community where, *baruch Hashem*, there are no shortages of *shuls*.

[The Maharam Padova's distinction between an individual's ability to prevent his enemy's appointment as *chazan* and his inability to have him removed from his post is codified by the Rama, Orach Chayim 53:19.]



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