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HEMDAT YAMIM

Parashat HaShavua

Tazria Metzora, 29 Nissan 5778

A Schemer Who Missed the Message of Tzara'at

Harav Yosef Carmel

In the last few weeks, we learned how David's nephew Yonadav ben Shama ostensibly was trying to help David's son Amnon fulfill his desire but was actually trying to cause problems in David's family that would enable him to become king. This week we will see that Achitofel did a similar thing – while ostensibly helping Avshalom take over the kingdom from his father, David, Achitofel was actually manipulating to pave the way for his own kingdom. We will approach the matter through the topic of *tzara'at* (leprosy), which is so much at the heart of our *parshiyot*.

The Torah prohibits cutting off *tzara'at* lesions from the skin. An exception is if the *tzara'at* is on the skin that must be removed as part of a *brit mila* (Shabbat 132b), as the great *mitzva* of *mila* pushes off the prohibition.

The *gemara* (Sanhedrin 101b) relates that there were three (groups of) people who thought they received a reliable prophecy but were mistaken. One was Nevat, the father of Yeravam. A second (a group) were the astrologers of Pharaoh. The third was Achitofel. Achitofel was mistaken in regard to the *tzara'at* that he saw on his male organ. He thought that this was a sign that he would be king, while in truth it was a sign that he would have a descendent who would be king (Shlomo's mother, Batsheva, was Achitofel's granddaughter).

The Yad Rama (ad loc.) develops Achitofel's thought process and actions. Achitofel decided to support Avshalom's rebellion because he figured that he did not have a chance to dethrone David, who was brave, wise, and popular with the people. He reasoned that he could be a simple advisor to Avshalom in his removal of David, and later he could dethrone Avshalom, who lacked his father's positive attributes.

Achitofel was himself an unprecedented Torah authority. "The counsel of Achitofel in those days was like asking for the word of Hashem" (Shmuel II, 16:23). So it is not shocking that he saw great things for himself, and he even believed that the *tzara'at* at the place of the *mila* was a sign that he would have unusual fertility, which he connected to great leadership. He did not realize that the hint was the opposite, that *tzara'at* should remind one to make himself humble, just as the *mila* instructs a person to curb his desires.

Returning to his mistake, Achitofel thought that he had a better chance at rebelling against Avshalom if he succeeded at overthrowing David. It is easier to be a legitimate alternative to someone who had slept with his father's concubines than to rebel against a brave *tzaddik*. Achitofel had a good plan for Avshalom: attack David while he was down and before he had a chance to regroup and renew support for himself. It took divine intervention to overcome the plan, as the *navi* writes explicitly (Shmuel II, 17:14). When Achitofel saw that his plan was ruined from Above, he gave up all hope and went home and committed suicide (ibid. 23).

We learn once more that the road to kingship runs through humility. It was David, who referred to himself as "a worm and not a man" (Tehillim 22:7). Achitofel was not fit to be king, as he was one who would do whatever he could, including acting immorally, in order to attain the coveted title.

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Deans: Harav Yosef Carmel, Harav Moshe Ehrenreich
2 Bruriya St. corner of Rav Chiya St.
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Ask the Rabbi

by Rav Daniel Mann

Preferring the Fruits of Eretz Yisrael

Question: Do the fruit of *Eretz Yisrael* in our times have *kedusha* that would make it preferable to eat them over other foods?

Answer: Usually discussion of *kedusha* of the Land's produce relates to land-based *mitzvot*. Without going into detail, we posit that most land-based *mitzvot* apply on a Rabbinic level rather than a Torah-level after the *Beit Hamikdash's* destruction. However, the parameters regarding your question may be different.

Actually, *Eretz Yisrael's* special qualities exist at all times, as we find in many statements of *Chazal* from the post-Temple period (see Ketubot 110-112). True, there were elements that were greater at the time of the *Beit Hamikdash* (see Sota 48a regarding the special taste of fruit) or will be greater when *Mashiach* comes (see Ketubot *ibid.*). The success of the fruit of the Land is also a harbinger of the advent of the era of *Mashiach* (Sanhedrin 98a). But even in destruction, *Eretz Yisrael* is wonderful, and one should feel a special love for everything connected to it (Ketubot 112a-b). Indeed, the great majority of *poskim* posit that the *mitzva* to live in *Eretz Yisrael* applies now (see Ramban, *Mitzvat Aseh* 4; *Pitchei Teshuva*, *Even Haezer* 75:6).

Does the Land's innate *kedusha* create a preference to eat its fruit? The *gemara* (Sota 14a) wonders why Moshe so strongly desired to enter the Land. It dismisses the possibility that he was interested in eating its fruit and says that he wanted to fulfill the *mitzvot* of the Land. Based on this approach, there are *Rishonim* (see Tur, Orach Chayim 208) who say that we should not say, as part of the *beracha acharona* on fruit, "*v'nochal mipirya*" (we shall eat of its fruit), as this is unimportant. While the *poskim* do not come to a consensus on the matter (see Sha'ar Hatziyun 208:51), all our texts include the phrase. Yet the *Beit Yosef* explains the phrase's relevance as follows. Since the *beracha* is thanking Hashem for food, focus on food is appropriate. He seems to agree that overall it is not particularly important. On the other hand, the *Bach* (*ad loc.*) argues that while for Moshe eating the fruit was not important, for us, when things are proper, the fruit of *Eretz Yisrael* connects us to a world of spirituality.

There are other indications of the fruit's special status. The *gemara* (Berachot 44a) says (as the *Rashba ad loc.* and *Shulchan Aruch*, OC 208:10 understand) that if one eats fruits that grew in *Eretz Yisrael*, his *beracha acharona* includes "... *v'al peiroteha*" (on its fruit), instead of just say "*v'al hapeirot*" (on fruit). This stresses the significance of the fruit coming from the Land.

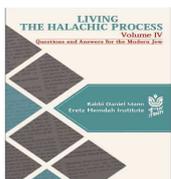
The seven species of produce for which *Eretz Yisrael* is praised have a high priority regarding what fruit to eat right after one's *beracha* (*Shulchan Aruch*, OC 211:4). Logically, produce that is actually from *Eretz Yisrael* should have prominence in this regard, as *V'zot Haberacha* (p. 124) says in the name of *Rav Mordechai Elyahu*. Others point out (see *Mishpetei Uziel* I, OC 24; *Teshuvot V'hanhagot* I:188) that there is not support for this outlook in classical sources. (One could explain that until recently, the fruit of *benei Eretz Yisrael* was always from the Land and Jews living abroad did not have access to the fruit of *Eretz Yisrael*. Since few had a choice between them, the topic is not discussed.) In any case, we note that we do not find a preference to eat the seven species, just that, if we do, it has precedence for the *beracha*. In other words, prominence does not necessarily mean one should go out of his way to eat it.

We put things together as follows. There is no halachic obligation or clear preference to eat the fruit of *Eretz Yisrael*. However, since one is supposed to love the Land and matters connected to it (see above), wanting to connect to Hashem and His Land by eating its fruit is displaying and likely fostering a healthy outlook, which gives it added value. (To the extent that eating such fruit helps Israeli Jewish farmers and thereby helps strengthen our hold on the Land, this is valuable (see *Gittin* 8b).)

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.)

Are Swords Nice or Not?

(condensed from Ein Ayah, Shabbat 6:42-45)

Gemara: One may not go out [on Shabbat] wearing a sword ... Rabbi Eliezer said: They are adornments for him. The Rabbis said that these are negative items, as the *pasuk* says: "They will beat their swords into plowshares and their spears into pruning hooks; a nation will not lift up a sword against a nation, neither will they learn war anymore." (Yeshaya 2:4) They asked Rabbi Eliezer: If they are adornments, why will arms cease to exist in the times of *Mashiach*? Because they will not be needed. Let them just be an adornment? It is like a candle in sunlight.

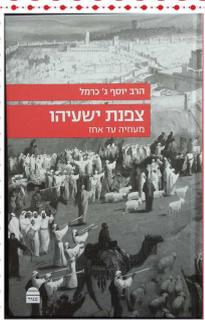
Ein Ayah: Bravery is intrinsically an adornment. The power of life is always good, and this is naturally connected to bravery, which comes with purity and straightness. That is the reason that outward signs of bravery are adornments.

Nevertheless, the Rabbis say that even though the intrinsic characteristic of bravery is grand and an adornment for a person, the way it has been used to this point is very ugly. Since most use of arms is for the bad, it displays more human destruction than it shows the grandeur of positive bravery, which is why arms are negative.

The contrast that exists between nations improves the world and actually gives it more grandeur at times that it is needed. As long as there is contrast there needs to be fear of war, with the sword in the hand creating a balance of strength that prevents war from breaking out. That is the beauty of the sword, as it enables contrast to exist while preserving peace. The goal of the sword is to never be used but just to be an adornment. The power of contrast is to allow each nation to be completed in its unique character, and yet it will not come to be that they shed blood.

At the time of *Mashiach*, though, the power of contrast will be uprooted, and the proper differences between nations will find expression in a more fully complementary manner, in the way that the individual limbs of the body constitute one full body. At that time, a sword will not be necessary at all because there will not even be a latent force that could spring into war. Only complete peace will be prevalent, and there will be feelings of friendship and respect between the nations, so that arms will no longer have the status of an adornment because they will have no need.

There will indeed be a period of transition in the annals of human history. Previously, there had been world destruction and upheaval, with hatred prevalent and swords used as instruments of bloodshed at the hands of the evil. This will be followed by a period of light, when peace will be secure and a rule of justice will cover the whole world. This is the arrival of the Kingdom of Hashem throughout the world. This is the point of the coming of *Mashiach*. Contrast between nations will cease to be one that focuses on the individual nation and therefore did not reach its mark of creating a beautiful spectrum of colors. Rather, it will be one united force with everyone being connected as one unit. There needs to be an interim period in which contrast has not totally ceased, yet its purpose will already be clear in every heart and in every nation and culture. At the time that everyone will respect the uniqueness of every other nation and see the value of their inclinations, they will all know how to reach one united goal – the beauty of the divine kingdom will be felt throughout. Then not only will there not be war in practice, but there will not even be a potential of war. Thus, the sword will no longer serve as an adornment, as it would darken the glow of the special era and would lower its honor like a candle does in the sunlight.



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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Disputes Between Neighbors over Rights in a Building– part III

(based on ruling 70056 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The plaintiff (=pl) bought an apartment on the second floor of a building in which the defendants (=def) previously bought a ground-floor apartment. The courtyard on the left side of the apartment is of interest to both pl and def but to no other neighbors. There are three basic disputes between the parties about their mutual rights. Each will be discussed for one installment.

Dispute #3: Pl wants to destroy an illegally built extra room in def's apartment, which does not have proper authorization, because it takes away from the joint courtyard. If not, def should pay compensation. Def responds that the room was part of the apartment years before they bought it, and therefore there is a *chazaka* that they had acquired permission/rights to build, which as a buyer, def are not required to know the details of. Furthermore, according to pl's building plans, they are going to build on top of the room in question, so how can they demand to have it knocked down? Additionally, def demands payment from pl for the use of the roof of the room in the past and in the present.

Ruling: Although the room in question was built on the joint courtyard, its status is different from the courtyard itself (see previous installment). Although usually there is no *chazaka* for the uses one partner does with the joint property, it is different when he builds a permanent structure (Rambam, Shecheinim 5:5). Then we say that the other partner should have protested, and if he did not, we can presume *mechilla*. The Maharit (II, Choshen Mishpat 63) agrees and explains that while usually a partner can reason that one side will use one side and he will use another, it is different when something is built. In Piskei Din Rabbaniiim Yerushalayim (VII, p. 295), the *dayanim* ruled that we do not assume *mechilla* when there is *chazaka* that is contradicted by the Tabu. However, they agree that if the area is now in the hands of a buyer, we make the claim on behalf of the buyer that the seller handled the matter properly. On the other hand, according to the opinions that there is no *kinyan* without writing in the Tabu, this will not help.

Despite this, in this case, where pl wants to build on top of the room, they indeed cannot demand that the room be destroyed. In a case where both sides benefit from the existence of the room, it would be acting in the manner of Sodom to destroy it (see Ritva, Bava Batra 6b). This is true only if indeed pl is able to build on top, so that def are required to agree to pl's building, assuming it otherwise receives municipal approval.

In fact, if pl wants to build on top of the room, he will have to take part in the past cost of the basic construction. If pl will not build, he will have to pay for the usage of the roof for other activities, as they bring him benefit and cause slight damage to def who live below (see Tosafot, Bava Kama 21a). Regarding the past, we exempt pl because it was done when there was a lack of legal clarity.

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