

# HEMDAT YAMIM

PARASHAT **Vayikra**

*This week.....*

8 Adar II 5768

This edition of Hemdat Yamim is also dedicated in loving memory of  
**Yehudah ben Naftali Hertz Cohen** (Kamofsky) and  
**R' Meir ben Yechezkel Shraga Brachfeld**  
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## **A Perfect's Mistake**

Harav Yosef Carmel

*Shabbat Zachor's haftara* tells of Shaul's battle with the Amalekis and his failure to complete Hashem's commandment, which cost him his throne. How did that *tzaddik* fall into such a sin, and why did it cost him so dearly?

The *gemara* (Yoma 22b) deduces that Shaul was troubled by the directions that he received, to wipe out all of the Amalekis he was battling. If the Torah requires an *eglah arufa* for the death of one person, how much atonement would he need for killing so many? He also did not understand the possible sin of the Amalekis' animals. A Heavenly voice scolded him: "Do not be too much of a *tzaddik*." The *gemara*, in contrasting the experiences of David and Shaul points out that David sinned twice and was forgiven, whereas Shaul's throne was taken away from him after this first sin. The *gemara* concludes that Shaul's kingdom was taken away because he had no fault, a paradox we certainly need to address.

According to most of the opinions in the *midrash* (Mechilta D'Rashbi, Beshalach 2) the commandment to destroy Amalekis did not apply to those who were willing to accept the seven Noahide laws and that it was not necessary to destroy their property (see Rambam, Melachim 6:4). Thus, the instructions Shaul received were exceptional, making it easier to understand that compassion made it difficult to carry them out. On the other hand, the *gemara* posits that Shaul lost the kingdom due to just this event, despite the fact that his cruelty in wiping out Nov, city of *kohanim*, was a gruesome contrast for which both the *p'sukim* and *Chazal* take him to task. Note also that the *p'sukim* in Divrei Hayamim mention two other sins (consorting with the dead and not waiting for Shmuel). Why does the *gemara* say that Shaul sinned once and paid for it?

The Torah provides two looks at man as created by Hashem. The first one describes a spiritual person and does not mention his physical side as coming from earth. He does not appear destined to sin, as he was created in Hashem's image. If he sins even once, it does not appear that anyone will be able to explain away his failure to live up to expectation. The second portrayal of man is of a very physical being, made of earth, who can sin yet be redeemed by repentance. In that way, his lower level is his salvation. The *navi* refers to both Shaul and David as "*adam*" (Shmuel I, 17:32 and Shmuel II, 23:3). However, as the *gemara* describes Shaul as being a person without a fault, he belongs to the first prototype, one who cannot be forgiven for even one major sin. David, in some ways on a lower level, is able to receive atonement for his sin and continuing with his throne.

We pray for the return of the kingdom of David, not a leadership of angels, but of people who may sin but know how to admit fault and seek and receive forgiveness.

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## Ask the Rabbi

**Question:** Please explain the basis and parameters of giving *machatzit hashekel* before Purim. Specifically, how much must I give, and does everyone in the family have to take part?

**Answer:** Let us first clarify a few things about the *minhag* before dealing with specifics. There is a *mitzva* from the Torah to donate every year (during the month of Adar) a half *shekel* for the upcoming year's public sacrifices (see last week's Hemdat Yamim). While this does not apply now, a *minhag* has developed to give a donation in memory (*zecher*) of the practice. (It should be clear though that it is only *zecher*; an attempt to make a real *machatzit hashekel* would produce *hekdesh* coins that may not be used outside the *Beit Hamikdash*.) Notably, this old *minhag* (found in the Mordechai, over 700 years ago) was not cited by such basic sources as the Rambam and Shulchan Aruch but is in the Rama (Orach Chayim 694:1). At some point in history, Sephardim have adopted the *minhag* (see Kaf Hachayim, ad loc. and Yalkut Yosef, Moadim pp. 310-314).

One might have expected that one would give one half *shekel* coin (see Biur Halacha, ad loc.). However, since the Torah [in last week's *maftir*] mentions the word "*terumah*" three times (in the first year of donation, when the *Mishkan* was being assembled, there were three donations), the Rama says to give three coins. The standard practice is to give half denominations of the local currency; the Rama mentions specific coins appropriate in his time in different places. In our time, the Israeli half *shekel* and the American half dollar are appropriate, respectively. Since the classical coins from the *Beit Hamikdash*'s times were made out of silver, there are *shuls* that provide old half dollar coins, which contain a sufficient amount of silver, but this is not a real requirement. These *shuls* usually allow people to buy the special coins for whatever price they like, and, of course, they donate the coins back to the "pot." Some say that one should give the value of three coins, each of which is worth the amount of a Torah half *shekel* (approximately 10 grams of silver, which comes out these days to around \$6 per coin) (Kaf Hachayim 694:20; see Yalkut Yosef *ibid.*). Some people take the opportunity to make more significant donations. (Anything above the minimum amount, according to the various opinions, can be taken from *ma'aser* money- Yalkut Yosef, p. 314.)

The Rama says that only men above the age of 20 need to give the *machatzit hashekel*, as the *pasuk* (Shemot 30:14) seems to indicate (see Bartenura to Shekalim 1:3). On the other hand, the Tosafot Yom Tov (to Shekalim 1:4) says that involvement in the donation for the *korbanot* applies to all male adults, as the age limit refers to the one-time donation also referred to by the *pasuk*. The Mishna Berura (694:5) points out that it is customary to give even on behalf of women and young children. A reasonable compromise is for men over 20 to give the larger amount for themselves and give the smaller amount for those whose obligation is based on a stringent *minhag*.

There are various opinions about the optimal time to give the *machatzit hashekel*. Although the Mishna Berura cites an opinion to do it before the morning reading of Megillat Esther, the more prevalent *minhag* is to give it before (or after) *Mincha* on the day before Purim, which is usually Ta'anit Esther. Indeed, the Kaf Hachayim (694:25) says that the *Mincha* of the fast is the appropriate time to give this money, which will go to *tzedaka*. His implication is that even Jerusalemites, for whom the day before Purim is everyone else's Purim, would give the *machatzit hashekel* on Ta'anit Esther. However, the more prevalent practice seems to be for Jerusalemites to give it at the *Mincha* before their Purim, except on a *Purim Meshulash* year [like this one], when they give it on Ta'anit Esther (=Thursday- Purim Meshulash 2:1; see Riv'vot Ephrayim II, 194).

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**Religion and Science- part III**

(from Perakim B'Machshevet Yisrael, ch. 30)

*Rav Yisraeli gathered classical and more contemporary rabbinic views on the interaction between religion/belief and science. We will present his sources in an abridged, free translation form.*

## 5. The Creation of the World, One of the Secrets of the Torah

*Igrot Har'iyah I, 91 (Rav A.Y. Kook) continued*

The important thing is that which we teach to the world that everything was done by Hashem, and the means, whether many or few, are all the actions of Hashem, and there is no limit to His power and the strength of His wisdom and His glory. There are times that we mention the means [of creation] by name, to widen the knowledge, and there are times that we just say in a manner of skipping: "Hashem created" or "Hashem made." This is like saying "Then Shlomo built." We do not say that Shlomo commanded officers, and the officers commanded those beneath them, and they told architects, and architects told craftsmen ... because this progression is known and it is also not the main point. Indeed that which will be investigated over thousands of years in expounding on the ways and means, which add on knowledge and insight of the greatness of Hashem, are themselves usually an abridged account. The content of the matter is that there is a special weight for every idea and thought regarding the time it came into being and its way of acting, without there being any uncalculated chance at all...

So is the matter in regard to Divine Providence, which is the foundation of the ethics of man and his success. When the world will see in a great and clear knowledge, this will be the foundation of satisfaction. "They will not do bad or destroy in all of the mountain of My Holiness, for the world will be full of knowledge of Hashem" (Yeshaya 11:9). The Jewish nation had to work very hard with all of the idol worshippers to explain to them that with all of the greatness of creation, man is still not lowly to the point that it does not make a difference whether or not he acts ethically. Rather, the ethical creation of man is more important than the incomparably larger creations. It was not easy to make even a small imprint of this concept on them along with safeguarding the internal recognition of the glory of Hashem, which is also the greatest foundation of human development...

All of this was necessary in order to fit into the little heart of man the vision of the vastness of creation and the lowness of man along with the vision of recognizing Hashem's great Hand and how He is greater and more exalted than all of the recognized values of every creation. What would have been if people would have known at that time about all of the worlds that exist in the ideas of science today? Man would have seen himself as nothingness and his morality would be as nothing. It would not have been possible at all to place in one's soul a picture of greatness and grandeur. Only now after people were able to struggle and succeed with these issues, they are no longer shocked by the quantitative greatness. However, all of these things require timing and preparation, and the imagery of stories, whether those that emerge from the view of the creation from a philosophical perspective or whether those that were revealed by the Hand of Hashem by His prophets, have to always bring with them the strength that empowers life and true success. This is as opposed to presenting man with a host of isolated pieces of information that he can play with child's play. When you contemplate this manner you will understand that there is great importance to that which is revealed and that which is not revealed. The means to hide secrets are many and wondrous and display the high wisdom of the Master of all actions, may He be blessed.

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# P'ninat Mishpat

**A Truck That Hit a Car That Did Not Leave Enough Room** (based on Halacha Psuka, vol. 40, condensation of a *p'sak* of Beit Din Gazit, B'er Yitzchak)

**Case:** The defendant's (=def) car went through a stop sign into an intersection, where the plaintiff (=pl) was trying to get by with his truck. Def signaled to pl to back out of the intersection, which she did. When def drove through, he allegedly damaged pl's car. Def says that he is unable to know if he hit the car, which he is not willing to concede. In any case, he says, since he warned pl to back out, she is partially responsible for her failure to do so and he should not have to pay more than half of the damages. One witness testified that def's truck hit pl's car.

**Ruling:** Since one witness creates a Torah-level obligation to swear against the testimony and def cannot do so because he claims not to know what happened, *beit din* accepts that the truck hit the car (Shulchan Aruch, CM 75:12). (This is more compelling because def should have known what happened and photographs of the damage strengthen pl's assertion.)

The *gemara* (Bava Kama 48b) arrives at the following rules regarding a collision between passersby that damages both. "If both had permission or both did not have permission – if they both damaged each other, they are obligated. If they were both damaged by each other, they are exempt... if one had permission and the other did not, the one with permission is exempt and the one without permission is obligated." Rashi states that in the case where they damaged each other, they must pay even if it was done inadvertently. Thus in our case, where no one had the clear right of way, pl ostensibly has to pay. In contrast, the Rambam (Chovel U'mazik 6:3) says that when the two are on equal footing and there was a collision, an unintentional damager(s) is exempt. On the other hand, when the damager failed to be as careful as he should have been, the Rambam (ibid.:8) agrees that he has to pay because it is considered like damaging purposely.

In our case, def enabled pl to avoid the collision. The Rambam says that if the damager stopped in front of the damaged, who collided with him, the damager is exempt. If he stopped in an unreasonable way he is generally obligated unless he warned the damaged. We see that the damager's warning exempts him. However, that is because the damager who warned was passive whereas when the damager rams into the damaged, his warning to the damaged to beware is insufficient.

When one improperly closes off a passageway with his barrels (as pl did) and another breaks the barrels going through, he is exempt (Shulchan Aruch, CM 412:2). However, Tosafot (Bava Kama 32a) says that if the barrels' owner is present, the damager must pay. Since a momentary closure of the passageway is not significant, the passerby should have told the barrel owner to move and waited for compliance.

Therefore, in this case, def must pay in full.

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