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# HEMDAT YAMIM

## Parashat HaShavua

Tetzaveh, 11 Adar I 5776

### To Sanctify and Uplift

Harav Yosef Carmel

Our *parasha* includes many *p'sukim* (46 to be exact) about the inauguration of the *Mishkan*, which started with the Seven Days of *Miluim*. This topic is continued in *Sefer Vayikra*, in *Parashat Shemini*, after the laws of *korbanot* are discussed, as well as in *Parashat B'ha'alotcha*.

The structure of seven days followed by a critical eighth day is one that we find in several places in the Torah. We have seven days leading up to the *brit mila* on day eight. Shemini Atzeret is celebrated after seven days of Sukkot. The holiday of Shavuot is in the beginning of the eighth week after the seven weeks of *sefira*. We would also like to connect this to the *Shemitta* year. After seven years of the *Shemitta* cycle are repeated seven times, the Torah calls for the special year of *Yovel*.

Let us return to the Seven Days of *Miluim*. Just as the world was created in six days plus the seventh day of Shabbat, which completed creation, so too the *Mishkan* and the *kohanim* were prepared during seven days. So too, during six years of work and a seventh of sanctification, a parallel cycle is set. A landowner sanctifies himself by relinquishing his full rights of ownership, rights to debts, and involvement in his regular material-based lifestyle.

Let us try to take a deeper look at the concept of *kedusha*, which we usually translate as sanctity. While the main focus is usually on something that is separated from others, in our *parasha* we see another focus. The offerings from the special ram that were brought during the *miluim* are said to be sanctified, which is accompanied with the description of the process of the *kohen* taking these animal parts in his hands and raising and waving them (Shemot 29:24-27). A similar process is found in regard to Aharon's raising and waving of the *Levi'im*, who needed to be sanctified (Bamidbar 8:11-15).

This is not a simple physical act. Rather, lifting and waving are representative of the spiritual uplifting that must accompany sanctification, whether it has to do with the *Mishkan* or the sanctity of *Shemitta*. We want a *Mikdash* that will expose us to *kedusha* and inspire us towards our own *kedusha*. (The *korbanot* have a different nature, of connecting and drawing closer, but that is for a discussion on a different occasion.) We want to make use of the *Shemitta* experiences, which enable us to also separate ourselves from simple physicality. May we merit, with the help of everything that is *kadosh* within Torah and *mitzvot*, to be elevated ourselves.

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# Ask the Rabbi

by Rav Daniel Mann

## Timtum Halev – Part II

**Question:** Is there *timtum halev* [approximately, spiritual pollution of the heart] when one ingests non-kosher food in a halachically valid manner, e.g., based on *bitul* (nullification)?

**Answer:** Last time we saw sources and analyzed possible causes of *timtum halev*.


**How much should *timtum halev* concern us?** Many *halachot* assume that, even if *timtum halev* exists without wrongdoing, it is not a serious normative factor. One is not required to stop a child from eating non-kosher food (Shulchan Aruch, Orach Chayim 343:1). Certainly, if one sees a child ingesting poison, he would have to save him! (The claim that the above is “only” on a halachic level, but that one must save the child (see Pri Chadash, Yoreh Deah 81:26) is difficult).

If 49 pieces of *treif* meat get mixed up with 50 pieces of kosher meat, *bitul* (sometimes) enables the eating of all the pieces (Shulchan Aruch YD 109:1) (some have the stringency to remove some meat to avoid the appearance of impropriety – Rama ad loc.). When *treif* gravy falls into a larger amount of kosher food and lower its quality of taste, it is permitted to eat the combination (ibid. 103:2). In neither case do *poskim* raise *timtum halev*. In fact, it is a *machloket* if it is permissible to refuse to eat food that is permitted based on *bitul* (see Pitchei Teshuva, YD 116:10 and a distinction in Mishneh Halachot VII:104). (Bnei Yisaschar (II, p. 95) views the circumstances as a divine mandate to bring *tikkun* of the *issur*). If Reuven sold non-kosher food to Shimon, who ate it, Shimon gets a full refund if the food was forbidden from the Torah and has to pay if it was only Rabbinically forbidden (Shulchan Aruch, Choshen Mishpat 234:2-3). The main reasons given (see S’ma, Shach ad loc.) ignore *timtum halev* as a factor. Thus, it seems clear that on a normative level, when the eater lacks guilt, there is either no *timtum halev* or it is halachically insignificant.

There is a normative halachic source that warns about *timtum halev*. The Rama (YD 81:7) says that one who has a choice should not have a baby nurse from a non-Jewish or not kashrut-observant wet nurse. This is apparently based on the Rashba (see Torat Chatat 65:11), who says that a non-Jewish woman’s milk is kosher, but it is pious to avoid due to concern for the baby’s future spiritual health. Also, the Chatam Sofer (Shut, OC 63), after justifying sending a *shoteh* child to a non-Jewish center at which he had the best chance at improved mental health, advised not to send him due to *timtum halev* (many argue or limit the ruling). Even if these are ‘extra-halachic’ advice, why do they come up where they do?

One cannot always reconcile exceptional rulings with the rules. However, these cases, especially the Rama’s, have unique factors. A baby’s basic sustenance on an ongoing basis is from nursing during a crucial point of development in which he lacks performance of *mitzvot* and has few other things that counteract *timtum halev*. (Yabia Omer VIII, CM 11 does not accept these distinctions, as he sees the Rama as reason to prefer, if possible, to have blood infusions from kosher-eating Jews. The Netziv (Devarim 6:11) and Torat Hayoledet (42:(2)) do raise the distinction between chance and ongoing exposure to problematic foods.)

**Practical Recommendations:** While some compare eating non-kosher food to poison (see Mesilat Yesharim 11, who addresses a case in which there was halachic concern). However, apparently one dose does not “kill.” Rather, the more one is exposed, the worse for the person. Several things cause *timtum halev* (see Mishneh Halachot ibid.) and other similar concepts (e.g., *ruach ra’ah* in food touched before *netilat yadayim*), and many things rectify problems of the spirit. The average person should trust *halacha* to factor in this element in a balanced manner and need not factor *timtum halev* into his halachic decisions (concern for possible sin is serious enough). One who strives for spiritual near-perfection might need to factor in even the finest points, but this response is not geared for such unique people.



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# Ein Ayah

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

## When Not Going Forward Is Going Backward

(condensed from Ein Ayah, Shabbat 2:152)

**Gemara:** One day the three [candidates for conversion, who were rejected by Shammai and accepted by Hillel] happened to be in the same place. They said: The *kapdanut* (exacting, intolerant nature) of Shammai attempted to have us lose our place in the world, and the *anvatanut* (humility, patience, tolerance) of Hillel brought us close under the wings of the Divine Presence.

**Ein Ayah:** Everyone has a preparatory track ready for the *shleimut* (completeness) that is destined for him and has everything that he needs to reach his highest potential. The shortcomings that are liable to undo the spirit and cause it to look for that which it desires are also planted in the nature of the spirit in a way that negatively parallels the potential for spiritual advancement. There are some shortcomings that are found only in those who have the potential for certain types of advancement.

There are righteous people among the nations of the world who never convert and are happy with their level and more limited obligations. However, one who is prepared for the lofty level of entering *Klal Yisrael* also has dangerous shortcomings ready for the possibility that he will not reach his potential and convert as he was designed to do. That is the reason that Shammai's exacting nature not only did not allow the candidates to advance but also threatened to lower them beneath the level at which they started, as upstanding gentiles. As those with the potential and interest in conversion, missing out on the opportunity would have been very bad. They could have missed out on even levels that simple non-Jews, with no aspirations of conversion or any other great spiritual dreams, have. They could have dropped to the lowest levels of moral waste.

In contrast, Hillel's humility not only saved them from deterioration but brought them to spiritual safety. This was not by means of simply remaining a fine non-Jew but by the eternal and lofty clinging to Hashem by joining His covenant.

When the three of them came to the same place and reflected on being pushed away by Shammai and being drawn close by Hillel, they came to a joint conclusion. They realized that there are two reasonable approaches, and one cannot say that there is no value in Shammai's approach. Given the greatness of Shammai as a person and the fact that he had a consistent, thought-out policy, it must have had value. There must be cases for which the absolute demand for high standards is useful.

They did not say that Shammai pushed them toward deterioration or that Hillel drew them close but that their approaches did, for the focus was on the approach, as opposed to the person. Actually, to maintain that which has already been acquired by the individual and the nation, high standards and discipline contribute a lot to keeping away corruptive influences. However, in order to make new acquisitions, for the individual or the collective, or to return that which has been lost, including bringing in people from the world at large, one has to use the *anvatanut* of Hillel.

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# P'ninat Mishpat

## A Woman who Relinquished Rights to her Ketuba

(based on Shut Noda B'Yehuda II, Choshen Mishpat 32)

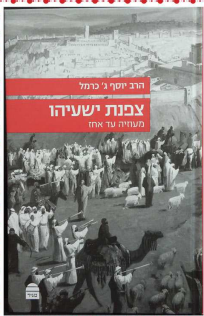
**Case:** Sarah relinquished her rights (*mechila*) to her *ketuba* in order to encourage her husband, Reuven, to give her a *get*. Now she wants to back out of this step. Perhaps we should say that simple oral *mechila* without a *kinyan* is not effective when the creditor (i.e., the wife) still has a document (i.e., the *ketuba*) that states that the debtor owes her money.

**Ruling:** It is not possible to extract money from Reuven when the Rama (Choshen Mishpat 241:2) says that *mechila* is valid even orally even when the creditor (here, Sarah) has a document. It is true that the Tur (CM 12) cites the opinion of Rabbeinu Yeshaya who distinguishes between cases in which there is a document and cases in which there is not. The Bach explained that the rationale is based on the idea that in a case of a document that is set to cause the payment of money, it is considered as if the money was already paid. The Shach (12:17) asks simply that we do not accept the opinion (Beit Shammai) who adopts that position.

The answer to this question is that it depends on the type of obligation that is involved. The reason that we do not always consider the payment of a *ketuba* as if it already occurred is that it is not clear that the conditions for payment will ever crystalize. In one case discussed, a question arose whether the wife lost her *ketuba* due to infidelity and then she died before the matter was resolved. Another such case in which Beit Hillel argued with Beit Shammai is when the debtor died, after which the creditor has to swear before receiving payment, and it is not clear he will do so. In such cases, Beit Shammai and Beit Hillel argue whether payment is still considered a definite thing that is viewed as if it was already received, which may impact on whether simple *mechila* will work. In all of these cases, the original parties are not all present. However, regarding a debt about which there is a document and the parties are all alive, all can agree that the creditor's hold on the money is strong, explaining Rabbeinu Yeshaya's opinion that simple oral *mechila* will not cause the debt to be relinquished.

On the other hand, the definite nature of payment of such a debt is only true when the debtor has resources from which he can pay. However, if all the creditor has to rely on to receive payment is the personal obligation of the debtor, then it is the type of debt for which *mechila* works. It would also seem that the language used makes a difference. If Sarah had said that she relinquished rights, one cannot relinquish rights of that which is already in her hands. However, since she used language of giving a present to Reuven of the value of the *ketuba*, it could work even though she has a *ketuba*.

In this case, though, Sarah does not lose her *ketuba*. Since I ruled that her *get* is invalid (the Noda B'Yehuda's son claims that the case was discussed in Noda B'Yehuda II, Even Haezer 105), the *mechila* that was done in order to get Reuven to give a *get* is not valid, as it is based on a false pretense when the *get* written is invalid.



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