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HEMDAT YAMIM

Parashat HaShavua

Tzav, 8 Nissan 5778

The Ability to Give In – part II

Harav Yosef Carmel

Last week we started to discuss why Yonadav, the son of David's brother Shama, was willing to advise and encourage David's oldest son, Amnon, to rape his half-sister. We showed how Shama and David's other two oldest brothers were unwilling to accept the fairness of their younger brother David having been chosen over them for the kingship. The "debt was paid" with Yonadav's involvement in creating a stumbling block to the development of David's dynasty. We will continue developing the story along these lines.

Yonadav noticed that one of David's younger sons, Avshalom, wanted to become king instead of Amnon, the oldest son, and Yonadav decided to help him. By helping undo the chance of David's oldest son being king, Yonadav "paid back" David for skipping over his older brothers.

If we are right, we can further suggest that Yonadav even expected that due to the rape within David's family, David's reign might begin to develop "cracks." Such an act by an heir apparent, following the footsteps of the evil powerful men at the time between Adam and Noach (see Bereishit 6:2), would upset all senses of stability. This might even lead to such upheaval that Yonadav might fill the void, as a son of David's brother, and seize the throne.

David received kingship, in part by fighting Goliath the Plishti, risking his life on behalf of Bnei Yisrael. Apparently, the sons of Shama were also fearless fighters on behalf of the nation. Indeed, we find Yonatan the son of Shama killing a giant Plishti (Divrei Hayamim I, 20:6-7).

There seem to be hints that the issue of rivalry between the families continued many generations later. The *gemara* (Ketubot 62b) tells that Rebbi (Rabbi Yehuda Hanasi) was a descendant of David, while his contemporary Rabbi Chiya was a descendant of Shama. In a different *gemara* (Horiyot 11b), we find Rebbe, the rabbinic leader of the community of *Eretz Yisrael*, asking Rabbi Chiya whether someone like him would be required to bring the type of *korban* reserved for a king. Rabbi Chiya suggested that this was not possible because there was a similar leader in Bavel, which meant that no one possessed sufficient dominion. Rebbi asked from the fact that at the time of the Kingdoms of Judea and Israel, both kings enjoyed the status of king regarding *korbanot*. Rabbi Chiya answered that those two kings were independent, as opposed to the *nasi* in Israel, who was subservient to the *reish galuta*, the Babylonian leader.

Rebbi and Rabbi Chiya lived well after the *Beit Hamikdash* was destroyed, in which case the question about the *korbanot* was moot. This theoretical question, though, was a way of dealing with the age-old question about the status of the dynasty of David. They went about it the right way, discussing pleasantly the halachic implications of the matter. In that way they fixed the bad action of Yonadav, who tried to uproot the standing of the House of David.

Let us pray to merit raising a generation of Torah scholars, who possess the ability to give in, who speak calmly, and in that way are disciples of Aharon, who loved peace and pursued peace.

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Ask the Rabbi

by Rav Daniel Mann

Keeping Foods Cooked in *Chametzdik* Pots

Question: Sometimes I have foods that I cooked in *chametzdik* pots without **any** *chametz* ingredients that I fail to finish before Pesach. May I keep them in the corner of the freezer and mark them as *chametzdik*? (I try to not sell *chametz*, especially if it was already cooked.)

Answer: First we will deal with the question of whether it is really forbidden to eat such food on Pesach. Let us assume (see Shulchan Aruch, Yoreh Deah 122:7) that the pot was *eino ben yomo* (had not been used for 24 hours) from *chametz* use. For forbidden food, what comes out of such a pot gives off a negative taste (*noten ta'am lifgam*), and the food is permitted if done accidentally (ibid. 103:5). If one made *pareve* food in an *eino ben yomo fleishig* pot without an intention to eat with *milchig* food, he may eat leftovers with it (ibid. 95:2). There is a *machloket* whether *noten ta'am lifgam* of *chametz* is permitted on Pesach (Shulchan Aruch, Orach Chayim 447:10), or not (Rama ad loc.). The Rama is *machmir* only on Pesach. On *Erev Pesach*, despite the Torah-level prohibition to eat *chametz*, the regular rules of *kashrut* apply, and it is permitted.

Do the laws of *kashrut* change when Pesach starts and turn what was not considered *chametz* due to *bitul* (nullification) pre-Pesach into *chametz* based on Pesach standards (*chozer v'nei'or*)? This too is a *machloket*. The Shulchan Aruch (ibid. 4) prefers the lenient opinion, that those things that were *batel* remain *batel*. The Rama says that it depends on the type of *bitul*. If it is only in regard to knowledge (i.e., we do not know where the *chametzdik* food is), the food becomes forbidden when Pesach starts. If there is a physical mixture (i.e., it is mixed in in a way that the *chametz* does not give taste to the mixture), it remains permitted. The classic case of the latter is when there was 60 times more kosher vs. *chametz* that is mixed in. However, we cannot assume there is 60 times more non-*chametz* because the food in a pot will not be 60 times the volume of the pot. However, since *noten ta'am lifgam* allows for *bitul* with less than 60, the food cooked in an *eino ben yomo chametzdik* pot was *batel* before Pesach (Mishna Berura 247:21). Thus, such a pot would not make the food forbidden even to eat on Pesach.

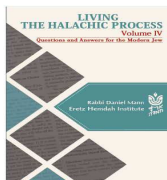
We must, though, consider the high possibility that small amounts of *chametz* got into the food, whether in the ingredients, the pot's surface, the work area, or storage containers. Assuming, as is also highly likely, we are discussing trace quantities of *chametz*, it was *batel* by 60 times. We then return to the above question of *chozer v'nei'or*, which is permitted, according to the main opinions, in such a mixture. (For this reason, many purchase (e.g., milk) and cook as much as possible before Pesach, so that trace quantities of *chametz* would be *batel* before Pesach and remain such.) Thus, on this point as well, it is probably permitted to eat the food (although our *minhag* is not to do things like that).

If one is not in the practice of eating such food, may he at least keep it around? There is no violation of *bal yeir'ah* (possession of *chametz*) when there is only taste of *chametz* or there are trace quantities that are *batel* by 60 (Mishna Berura 452:1). While according to some (including Tur, OC 442) it is permitted to leave in one's possession any food that is permitted to eat on the level of Torah law, the more accepted approach is to not leave most (exceptions beyond our present scope) foods that are forbidden to be eaten even Rabbinically (ibid.). This, though, would not apply to foods that it is only a *chumra* not to eat. Even so, it is proper to remove them from the places (like the same freezer) where kosher-for-Pesach foods are being kept, lest one mistakenly eat them (ibid.).

If you put such food in a different place (e.g., a different freezer or a section of the freezer that is taped off), you are not required to sell it, but you do not lose anything by including it in your sale. Stringencies regarding sale of *chametz* apply to cases where you need to rely on the sale, not when it is extra.

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.)

The Good Smell that Comes from the Burning of Good Wood

(condensed from Ein Ayah, Shabbat 6:40)

Gemara: The trees of Yerushalayim were of cinnamon. When people would burn their wood, it would give off an aroma throughout the Land of Israel.

Ein Ayah: Practical life, with all its passion in the individual's heart and the framework of the community, is full of power and "heat." This status is not uniform. At times, life progresses in tranquility. At other times, certain events will shake life up and cause the heat to increase. One part of the group can light a fire that will start to consume another part until there is a general situation of fire throughout.

Usually, when the "level of heat" spikes in society, it releases all the filth within people's potential: murder, promiscuity, drunkenness, and all their related abuses. This causes disappearance of the "good odor" of the divinely given spirit, which smells like the pleasant aroma of divine origin, emanating from wisdom and justice. It is replaced by a stench of coarse desires without elevated light or a life of truth. The greater the nation is in quantity, the greater the polluted powers will be, as more people will cause "fire" that will release bad odors that dry up that which ennobles the pure spirit within man. This is because the powers that bring the members of the society together are negative ones. The masses are motivated by wild desires and only a small minority, who stand above the group, raise themselves to the level of "pleasant aromas" that fit their godly spirits. When matters in the society heat up to the point that it begins to "burn," then a stench of animalistic tendencies develops, which chokes the special people in their periphery and limits their ability to function.

The above is true of groups who do not enjoy the life of a true nation that contains the internal light of life emanating from Hashem. In contrast, Israel has internal light that finds expression specifically when people join together, as their focus on centrality uncovers the most beautiful and pure divine light. In this regard, then, the more animated they become and the more their "heat" will increase, the greater the good aroma with a scent of *Gan Eden* they give off in the world.

The "heat" and awakening of the spirit will come from something that stores an inner substance. We can refer to the bark of a tree (from which cinnamon comes), which preserves moisture and freshness, although the aroma is one of the "field that Hashem blessed" (see Bereishit 27:27).

Indeed, the trees of Yerushalayim were trees that contained cinnamon. When they were burnt, i.e., when the flame of communal life emerges, when it is appropriate for its pure element to be agitated to a "level of heat" at which its inside is freed into the air, the entire Land was elevated as a result. The origins of these elevated matters are the source of beauty and divine pleasure that dwells in the flesh, senses, and spirit of the members of the nation. They are capable of performing actions that give off the most gentle and pure light. When they would burn the cinnamon wood in the most central place of Judaism, where all the spirits join together and are inspired together, the wonderful impact spread throughout the Land. This is like nutrition for the body that spreads from the heart to the various limbs, bringing along with it, purity and intense sanctity that emanates from the center of the community. "In the congregations bless Hashem; do so from the source of Israel" (Tehillim 68:27).

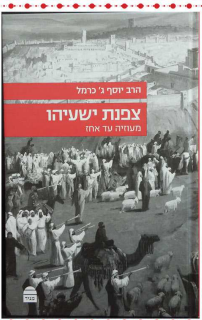
Tzofnat Yeshayahu- Rabbi Yosef Carmel

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

Disputes Between Neighbors over Rights in a Building

(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 which will be discussed for one installment.

Dispute #1: Pl claims that before he bought his apartment, def gave him permission to build new steps and an entrance into his apartment through the courtyard. As pl prepares to get municipal permission to build, def has decided to oppose this. Pl would not have bought the apartment and will not stay in it without this addition, and so the abrogation of the agreement caused him damage. He demands that def either rescind their opposition or pay significant damages. Def admit to a conversation about the steps but denies agreeing. They claim that they did not protest because they did not realize they had the ability to do so.

Ruling: After reviewing each side's version and checking text messaging between them, the following picture is quite apparent. Def believed that pl was able to build the steps without their permission because they thought that the courtyard was divided among them and that the relevant part belonged to pl. Pl did nothing to dispel that understanding. In fact, he purposely did not ask def to sign that they were giving permission because he feared that this might encourage def to oppose it.

Under such circumstances, even if there was agreement, it would be *mehila b'ta'ut* (relinquishing rights under false pretenses), which is not valid. Furthermore, such a granting of building rights would not work without a *kinyan* (act of finalization). In fact, even an act of *kinyan* would not be effective, as def would not be transferring anything to pl but agreeing not to oppose. Such an agreement is called a *kinyan devarim*, something too amorphous for a *kinyan* to work.

As far as def paying for misleading pl to rely on their agreement in order for them to decide to buy, this claim is also rejected. This is unlike the classic case of payment for creating reliance known as "go and I will follow you" (Shulchan Aruch, Choshen Mishpat 14:5). First, there the "damager" initiated the idea of going, whereas here the alleged approval was something that pl raised and pressured def on (see Rav Yisraeli in Piskei Din Rabbaniiim X, p. 15). In such a case, the level of assurance that he could rely on the agreement being permanent is required to be much greater than existed here. Additionally, pl did not act in good faith here, as they purposely avoided letting def understand that their partial acquiescence had legal importance, so he has himself to blame.

Finally, the payment in the case of "go and I will follow you" is based on damages. Here, there is no objective damage, as pl bought property which is worth as much as he paid and is still worth at least worth at least that amount, whether or not he is happy with his choice of property.

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