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HEMDAT YAMIM

Parashat HaShavua

Bamidbar, 5 Sivan 5778

"I Will Take Her to the Desert"

Harav Yosef Carmel

Hoshea (in this week's *haftara*) had a unique solution for *Am Yisrael* – they were to be sent to the desert (2:16). Most prophets warned against things that could lead to the need for exile and set as the goal, returning to the Land and making its desolate places blossom. Hoshea prophesied when the nation was still in *Eretz Yisrael*, and its most acute problem was the idol worship of the *Ba'al* (literally, the husband). The *Ba'al*, and its wives, *Asheira* and *Annat*, turned promiscuity into a way of life. This matter finds expression throughout the *haftara*.

Hoshea was commanded to do extremely difficult things: 1. He was to marry a *zona* and have children of questionable standing (Hoshea 1:2), as a metaphor for the spiritual adultery of the nation. 2. He was to rebuke the people by comparing them to an adulteress (ibid. 2:4,7). 3. He was to compare the people to a woman who receives pay for her promiscuous actions (ibid. 14).

The followers of the *Ba'al* believed that the more they engaged in promiscuity, the more rain would fall and produce would flourish. Thus, a solution for the sinful nation was to return the nation to the desert, a place where rain is pointless, as nothing grows there anyway. When *Bnei Yisrael* left Egypt, they lived in the desert, where they were purified of sin and accepted the Torah.

When they entered the Land, the first place they were to conquer was Yericho, a city with a famous house of the *zona* *Rachav*. The goal was to make *Rachav* repent and destroy the city. The ruins of Yericho were a public statement: "We, *Bnei Yisrael*, entered our Land in order to demonstrate that we are a holy nation." The one who misappropriated the remains of Yericho was *Achan*. *Yehoshua* took him to be executed and called him an *ocher* (one who polluted the nation) and named the place of his execution: *Emek Achor* (*Yehoshua* 7:24-6).

The optimistic conclusion of the prophecy of the *haftara* (*Hoshea* 2:17-22) is that Hashem will appease us after our separation from Him, return us (like *Hoshea's* wife) from the desert, and turn *Emek Achor* into *petach tikva* (the opening of hope). There is a linguistic hint (*too difficult to transmit in English*) that the idol *Annat* will be replaced by *Miriam*. The section ends with the *p'sukim* we say when we wrap the *tefillin's retzuot* around our fingers – "I will betroth you forever ..." The relationship between Hashem and *Bnei Yisrael* will be like that of husband and wife. This is why the Rabbis chose these *p'sukim* to represent the closeness to Hashem that we should feel when putting on *tefillin*.

More than a century ago, pioneers from Jerusalem decided to build an agricultural settlement near the location of the original *Emek Achor* (in the desert near Yericho) and call it *Petach Tikva* in order to fulfill the prophecy of *Hoshea*. After bitter failure, they used their great dedication to build, on swamps along the *Yarkon* River, what is now an important city in Israel.

May all positive elements of *Hoshea's* prophecy be fulfilled in our days!

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Those who fell in wars for our homeland. May Hashem avenge their blood!



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Ask the Rabbi

by Rav Daniel Mann

Giving Teruma to a Kohen

Question: Would it be better, when I take off *terumot* and *ma'asrot*, to give the *teruma* to a *kohen* instead of wrapping and throwing it out?

Answer: First, let us consider what a *kohen* could do with *teruma* he received. It is forbidden to eat *teruma* when either the eater (Rambam, Terumot 7:1) or the *teruma* (ibid. 2:14) is *tameh*. We assume that all *kohanim* in our times are *tameh* even after going to a *mikveh* because we lack ash from a *para aduma* required to remove *tuma* from a human corpse. (*Poskim* assume that *kohanim* have been exposed to corpses at some time despite the prohibition to do so.) Therefore, a *kohen* would not be able to eat the *teruma*.

Not all *teruma* is *tameh* because solid foods become *tameh* only after they have been *muchshar l'kabel tumah*, i.e., prepared to become *tameh* by being touched by one of seven liquids (usually, water) to the owner's satisfaction (Vayikra 11:38, Rambam, Tumat Ochalin 1:1-2). This occurs only sometimes.

A *kohen* may feed *teruma* that is pure to his animal (Rambam, Terumot 6:1). A great amount of *teruma* removed centrally is given to the zoo and safari after animals have been transferred to a *kohen's* ownership. Fundamentally, *teruma* that is fit for human consumption may not be given to animals, but authorities are lenient because *kohanim* will anyway not eat it (see Derech Emuna, ad loc. 10). If *teruma* is *tameh*, it should be burnt, and a *kohen* may benefit from its burning (Rambam, ibid. 2:14). Thus, olive oil *teruma* is of use to a *kohen* for lighting.

Apparently, your question is not about the *kohanim's* welfare, but about your *mitzva* to give the *teruma* to a *kohen* even if he does not particularly want it. But is there really a *mitzva*? Not necessarily. The Rambam and Ramban (Sefer Hamitzvot, *shoresh* 12) dispute whether *hafrashat* (removal of) *teruma* and giving it to a *kohen* are two parts of one *mitzva* or two independent *mitzvot*. While each implies it is a *mitzva* to give it to a *kohen*, the Netivot Hamishpat (243:8) states that one is not required to do so physically. Rather, one sets aside part of the produce as *teruma*, and Hashem has determined that it belongs to the *kohanim*, with the owner deciding which one can come and get it. The Pri Chadash (Yoreh Deah 61:1) suggests that this is the reason there is no *beracha* if and when one does actually give it. There is also an opinion that there is a *mitzva* (see opinions in Derech Emuna, Terumot 2:(361)).

Despite the existence of opinions that it is a *mitzva*, many *poskim* say that one should not give *teruma* in our days to a *kohen*. There is a major question whether we should rely on the *kohanim's* presumption of being valid *kohanim* (see discussion in Shach, YD 322:9). The Chazon Ish (Shemitta 5:12) argues that since we no longer have a *beit din* that interrogates to confirm the authenticity of *kohanim's* claims, we do not have grounds to trust that they are allowed to receive *teruma*. He reasons that it is therefore wrong to give them the *teruma*. The Rama (Orach Chayim 457:2) brings two opinions on whether one gives them *challa*, which is parallel to *teruma*, in *chutz la'aretz*, where it can be eaten by a *kohen* who is a *tameh meit* if he is too young to have *tumah* coming from his body. The Mishna Berura (457:22) explains the opinion that one does not as being due to insufficient pedigree. The Maharit (1:85) is among those who does trust a *kohen's* pedigree sufficiently to give them *teruma*, for example, *tameh* oil that he can use for burning, as the Rama in Yoreh Deah (331:19) rules.

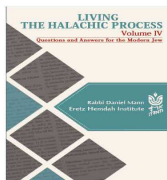
Another reason to not give *teruma* to a *kohen* is that one should remove it from human access someone mistakenly eats it (see Pesachim 33b). Although the Rama (ibid.) is lenient that *kohanim* will not make a mistake, he refers to a case where there the *kohen* can benefit from the gift, not to a nominal giving for the giver to perform a (possible) *mitzva*, only for the *kohen* to dispose of it.

In summary, the standard practice of not giving *teruma* to a *kohen* (except for organized donations to animals) is likely halachically indicated and not a matter of laziness.

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Ein Ayah

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

Sharpness and Simplicity

(condensed from Ein Ayah, Shabbat 6:52-3)

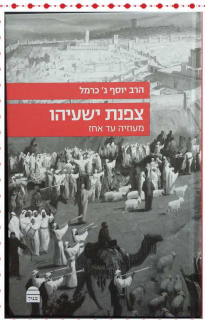
Gemara: [The gemara homiletically analyzes a pasuk in Tehillim (45:5) that follows the one raised in the previous gemara. The simple context of the pasuk is in praising the king. The close-to-literal translation of the very poetic pasuk is: “Your grandeur (vahadarcha) you shall succeed and ride on the matter of truth, humility, and justice, and your right hand shall fearsomely shoot arrows.”] When two Torah scholars sharpen each other in matters of Halacha, Hashem will grant them success, as the pasuk says in a modified manner: “you will sharpen (*vachadadcha*) and succeed. Furthermore, they will rise to prominence, as the pasuk says, “you shall succeed and ride.”

Ein Ayah: That which is attractive sometimes contradicts that which is good, so that there is a choice between attractive but not good and good but not attractive. This is true not only in the physical world but also in the spiritual world. Specifically, that which is good in the intellectual world is the truth; that which is attractive is the sharpness. When the attractive and the good are unified, then each strengthens its counterpart in an essential manner of repeated goodness. This is true if nothing destructive ruins the positive coexistence, as the attractive is liable to create distractions that detract from the goodness.

When spiritual attractiveness is connected to related goodness, i.e., to truth, it is smoother than the truth itself, so that the internal truth is blessed with attractiveness. When one takes the intellectual inquiry to a faster and more distant plane, the closer and more secure truth becomes clearer, in a manner that the simple approach to truth could not attain. It is actually best when the two spiritual powers connect, with the mental creativity expanding and being glorious yet remaining within the confines of the truth. When each force has its own unique outlook, it helps ensure that the other force does not stray from its proper place. We then find that the grandeur of the power of spirituality is the intellectual attractiveness that is adorned with ideas that excite the spirit with their sharpness. They enjoy internal success from Hashem, whose signet is truth, as the gemara says that Hashem will provide success.

A person should not think that truth demands that people’s thoughts remain simple, without light, intellectual joy, and a broadening of the mind. It is true that there are many elements of truth that are limited to that which is simple, and that a heart that loves truth feels the great beauty of a truth that is short and simple. That being said, one should not depress the uplifting feeling that comes from ideas from “distant intellectual places” and a host of thoughts that are full of sharpness. When they come in the right measure, they reveal great truth adorned with bright colors that includes divinely bequeathed spiritual success.

The characteristic of shining light of truth from the midst of the complication of different opinions and distinctions, which comes along with true intellectual sharpness, forms the basis of public leadership. The leader must collect the different opinions and phenomena that are spread throughout the community and bring them to one large and orderly apparatus of orderly truth. Such leadership is most appropriate for Torah scholars who are part of an effort to connect different elements of intellectual attainment with richly shaded truth. That is the reason that such people rise to greatness.



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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Obligation to Enable Registering a Purchase – part III

(based on ruling 76084 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The plaintiffs (=pl) bought an apartment from the defendants (=def) in a project that is handled by a *chevra meshakenet* (= cm; developers who bought rights to buildings from the government and are responsible for registering changes in ownership). Pl paid and moved in a few years ago, but def have been unwilling to sign a form requested by cm, which states that the sellers have no further claims against cm regarding the apartment. Due to this, cm has refused to register the apartment in pl's name. In the first hearing, def said they want to sue pl for the damages of delaying payment and informing the authorities of the sale too early. They implied that if pl paid for damages, they would sign the form. In the second hearing, def claimed that signing the form will damage them, but they failed to coherently explain the nature and source of the damage. Pl claim that def are required, according to their contract, to sign any document needed for transferring ownership. The form in question is a standard one, def have never explained their refusal to sign, and it does not make sense that they should have claims regarding an apartment they sold years ago. Def say that there is no legal obligation to sign documents that cm presents without justification and now claim that they are part of litigation against cm that has not been resolved. Pl point out that the contract states that there are no outstanding legal matters with the apartment. Def did not follow up after the hearing with documentation about the litigation, as requested. Pl demands 3,000 shekels per day that def refuse to sign the form.

Ruling: We determined that the sale is final and that agreements to sign sales contracts are enforceable.

Def contended that the demand to sign the form is illegitimate extortion by cm, and it therefore does not bind them. Rather, pl should sue cm to transfer ownership without it. Pl presented agreements by other cms of a similar nature, and therefore it is difficult to contend that it is extortion. If def had demonstrated how it will hurt them, we would have considered a compromise, but as an unsubstantiated claim, their refusal is unacceptable.

This is especially so since one of the contract's introductory paragraphs states there are no legal issues with the apartment; according to the present claim, this was a lie. *Beit din* rejects def's claim that pl must have known there was litigation between project homeowners and cm. Not every young couple who buys an apartment is aware of legal struggles; def was responsible to tell them and certainly not sign a contract that denies them.

Regarding def's claim that they do not have to sign until pl pays for alleged damages, the rule that we deal with a plaintiff's claim first applies. If it would not cause damage, we would deal with the two together, but since def has not even formally sued for these damages, we will not wait.

Beit din will not deal with pl's last-minute demand of 3,000 shekels for every day that def will not sign the contract. This was a claim that was not in the original claim sheet or raised in the hearings. If def does not sign the contract within 35 days, pl may make another claim, which will also be governed by their contract's arbitration clause.

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Yafa bat Rachel Yente Eliezer Yosef ben Chana Liba
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