



HEMDAT YAMIM

Parashat Hashavua

Vayikra, 3 Nisan 5783

Harav Shaul Israeli zt"l
Founder and President

How Does One Bring a Korban?
Harav Yosef Carmel

Sefer Vayikra opens with idea, "Should a man from among you bring an offering (*yakriv korban*)" (Vayikra 1:2). What does this pronouncement mean? Finding an answer to this question is difficult today, some 2,000 years since we were last able to fulfill this *mitzva*.

In the past, we explained that "*korban*" comes from "*kirva*" (closeness). Bringing a *korban* is an attempt to draw close to Hashem, along the lines of, "For me, closeness to Hashem is good" (Tehillim 73:28). Ostensibly, coming to the *Beit Hamikdash*, willing to sacrifice, draws one closer to his Creator. When these things are not available in our days, how do we get close? Are there no other avenues these days?

One can ask more deeply: Is it possible to draw close to One who is an "all-consuming fire" (Devarim 4:24) and is higher than high? The Zohar tells us that it is not even possible to contemplate Him!

The great Chassidic masters provided an opening to understanding. Despite the above source about Hashem's transcendence, there is also a kabbalistic concept that there is no place bereft of Him. Thus, we never have to approach Him, as Hashem is always close to us. Actually both polar ideas are true, and the tension between them is the place of truth.

From the perspective of the soul, which is a part of the divine, we are always close to the Divine Presence. From a physical perspective, there is no way to draw close. The point of contact between the spiritual and the physical is one's persona.

But how does one draw close? The answer is by minimizing oneself; one who minimizes himself draws closer to Hashem. The humbler a person is, the closer he is. One does not need to go anywhere to make that a reality. One needs to only work on his personal characteristics and "put his ego on a diet." Shrinking the ego makes him closer to Hashem. Even one with great potential to be close to Hashem, and certainly those on a lower level, can fall into the trap of conceit and lose it. The Rabbis taught: "Whoever is haughty, if he is wise, his wisdom leaves him; if he is a prophet, he loses his prophecy" (Pesachim 66b).

At the giving of the Torah at Sinai, the entire nation, over its generations, was the closest it has ever been to the Giver of the Torah. The *gemara* (Sota 5a) cites opinions on whether at Sinai, the people were elevated until they approached Hashem's Presence Above, or whether the Divine Presence was lowered close to the ground. The *gemara* concludes that the latter is correct. This too is an indication that humility is a key factor in this human-divine connection.

Rav Kook, in, *Middot Hare'ayah* teaches: "One who purifies himself from the haughtiness of the heart can repent fully without impediments." Also, "One who hates haughtiness merits to enjoy clinging to Hashem." An important step in reaching humility is following the advice of Rabbi Elimelech of Lizhensk: Always see one's counterpart's fine qualities and not his shortcomings.

Our Torah text for the word *Vayikra* ends with a small letter *Aleph*. Such a special occurrence in the beginning of the *sefer* that deals with *korbanot* hints strongly that only one who makes himself small is able to hear the call of Hashem from the Tent of Meeting.

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



Eretz Hemdah
Deans: Harav Yosef Carmel, Harav Moshe Ehrenreich
2 Bruria St. corner of Rav Chiya St.
POB 8178 Jerusalem 91080
Tel: 972-2-5371485 Fax: 972-2-5379626
amutah number: 580120780

American Friends of Eretz Hemdah Institutions
c/o Olympian, 8 South Michigan Ave.,
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www.erezhemdah.org info@erezhemdah.org
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Ask the Rabbi

by Rav Daniel Mann

Melacha Done on Yom Tov Shenit in Chutz La'aretz

Question: We (Israelis) will be spending Pesach at my parents' home in *chutz la'aretz*. They keep the basics of the *chag*, especially when we are there, but do not observe *Yom Tov Sheini* (=YTS). May we benefit from forbidden *melacha* (ed. note – e.g., turning on a flame or electricity for cooking; turning on lights) they will do on YTS? (They are respectful of our *shemirat mitzvot*, but we do not want to make unnecessary issues.)

Answer: Do not encourage your parents to do *melacha*; if you know they will do so on your behalf, ask them not to, due to *lifnei iver* (not facilitating *aveirot*). It is best to discuss this in advance, after which you need not “police them.”

The main *gemarot* (see Ketubot 34a) forbidding the result of a Jew's *melacha* refer to Shabbat (*ma'aseh Shabbat*). A *gemara* (Beitza 17a) examines whether one who cooked on *Yom Tov* for Shabbat without an *eiruv tavshilin* (=et) may eat the food. The *gemara* (ibid. 17b) deflects a proof from the *halacha* that one who cooked on Shabbat may not eat the food by saying Shabbat is different. Rashi contrasts – *chillul Shabbat* is a Torah-level, capital offense; cooking on *Yom Tov* for Shabbat without an *et* is a Rabbinic prohibition. Since *Yom Tov* has elements of each – a Torah violation but no capital offense, it makes sense that we find a *machloket* if there is a prohibition on *ma'aseh Yom Tov* (Taz, Orach Chayim 502:1) or not (simple reading of Shut Harashba V:8).

According to some (see Rav SZ Auerbach in *Yom Tov Sheini K'hilchato*, p. 369), for Torah-level violations of *Yom Tov*, *ma'aseh Yom Tov* is forbidden; for Rabbinic violations, the result is permitted. That aligns well with the Magen Avraham (538:2), who says regarding the result of forbidden work on *Chol Hamoed*, that its status depends if *melacha* on *Chol Hamoed* is forbidden from the Torah or Rabbinically. If something is forbidden on the first day of *Yom Tov*, it widely has the same status on the Rabbinic-level second day.

We can, then, claim that your parents' Torah-level violations will be forbidden and the Rabbinic ones will not. The cooking process, including burning to fuel it (including glowing filaments) should be included in *ochel nefesh* and permitted on *Yom Tov* and thus the prohibition of creating a new fire, forbidden because of *molid* (Beitza 33b), is likely a Rabbinic prohibition (see Shevet Halevi VI:68). The Taz (ibid.) views it as a Torah prohibition and forbids not only using the resulting flame but also eating the food it cooked. However, this is not the accepted ruling (Mishna Berura 502:4). Some say a new flame has special leniency because it has no substance and/or it keeps on replacing itself (see Aruch Hashulchan, OC 502:4; Dirshu 502:3). Most of the violations you would use are likely Rabbinic on *Yom Tov*.

Does it help on YTS that you are Israeli? While you may not do *melacha* in a Jewish community abroad even privately (Mishna Berura 496:9), this is due to concern over discord; it is not an intrinsic violation. Therefore, for example, an Israeli may cook without an *et*, as a bystander for the cooking will not know he does not have an *et* (ibid. 13). Arguably, then, *ma'aseh Yom Tov* should only be forbidden for one for whom *melacha* is innately forbidden, especially considering it is unclear to a *ben chutz la'aretz* seeing the benefit what the history of the object is.

This claim may depend on the reason to prohibit *ma'aseh Shabbat* for people other than the violator (see Shulchan Aruch, OC 318:1). If it is considered enjoyment of a Shabbat violation, it should not apply on YTS to one for whom it is not intrinsically *Yom Tov*. If it is part of the penalty on the violator, it likely follows the status of the violator, for whom YTS applies intrinsically. Further analysis is beyond our scope. However, since many *poskim* treat the violator's household as “him” and not “others” (Shemirat Shabbat K'hilchata, 5770 ed. 1:34), this leniency will not help here.

In conclusion, it is permitted to benefit from Rabbinic *Yom Tov* violations; regarding Torah-level ones, this would require significant need.

“Behind the Scenes” Zoom shiur

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Igrot HaRe'aya - Letters of Rav Kook

How a New Yeshiva in Yafo Will Help – #146 (part III)

Date and Place: 17 Sivan 5668 (1908), Yafo

Recipient: We continue presenting the letter to Rav Yitzchak Isaac Halevi. We have featured letters to him several times before.

Body: I say clearly that not only will our proposed *yeshiva* in Yafo, with Hashem's help, not harm the *yeshivot* in Yerushalayim, but it will raise their stature in the future. It is not only the “not for its own sake” (i.e., monetary) part, of not getting rabbinic positions, that causes the “weakness of hands” of those learning in the *yeshivot*, impeding their natural talents coming to fruition. Rather, it is [also] because of the slumber in matters of life resulting from the old spirit.

This old spirit has been entrenched from the period when the Land was still desolate, and most people who lived in the Land came only to prepare for the end of their lives and to be buried there. The lives were filled partially with taking money from the “distribution,” which is limiting and connected to a lack of honor, along with prayers in the holy places, which are in a state of destruction due to our sins. Therefore, they were missing from the outset the lively flow of natural life, which encourages manual and intellectual work. In such a situation, only very uniquely spiritual individuals could succeed. The light of Hashem shined upon them, so they could breathe the Holy Land's air of sanctity within its destruction and desperation.

People with younger energies, who lack these spiritual levels, have talents that have “fallen asleep.” The sadness that accompanies this state, while it is, thank G-d, in the process of dissipating, still dominates the *Old Yishuv*. Only when life's vigor, which is found in the *New Yishuv*, will be wonderfully connected to Torah's light, will the *Old Yishuv* and all those who are steeped in godliness return to life, and the hidden talents will begin to be revealed.

I am not planning that all of the new *yeshiva*'s students or even all its most outstanding ones, will be rabbis. Actually, my main desire is that some will, during the years of their study, also study practical skills, and those who have an inclination toward work with the hands will spend part of the day in workshops, as already happens in the Sha'arei Torah institution [in Yafo]. (This program was founded two years ago, and it has reached a level that the Anglo-Palestine Bank used it to prepare a very well-received metal closet according to European design.) We look forward to having great Torah scholars who are artisans and support themselves through work and people who are trained in all pursuits of life, so that their Torah is learned only for its own sake (not for a stipend), out of a love for the goal of life that is included in the logic of the Torah. The main idea of the new approach I want in the *yeshiva* is that it should have a power of life in its midst, which is fitting for Torah learning, which requires clarity and a happy heart. There is nothing preventing us from having great Torah scholars who are experts in the Babylonian and Jerusalem Talmud, whose whole aspirations are to understand the words of Torah. It need not be missing “the great spirit that crowns the great Torah scholars.” Specifically in such a *yeshiva*, we can see the fulfillment of the expounding of the *pasuk*, “Should a man die in a tent” (see Berachot 23b) – a living person who directs his desires and strengths not to matters of vanity but to the toil of Torah and the happiness of grasping it. One who has no feel for life and its glow cannot be a person who “dies in the tent.”

The exceptional people in the type of *yeshiva* we envision cannot be average, like a pot which is neither hot nor cold, but brave lions in the “war of Torah,” full of desire to elevate Torah in the Holy Land. This is not in order to have the position of rabbi, but because of the love of Hashem, the Torah, Bnei Yisrael, and *Eretz Yisrael* that burns as a holy fire in their hearts.



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

Was There a Sale to Renege on? – part IV

(based on ruling 81138 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The plaintiff (=pl), a real estate investor, negotiated with the defendant (=def) about apartments to be built in a building under Tama 38 (strengthening and expansion of buildings). They agreed (on some level) that pl would buy three apartments for 3 million NIS. The two then signed a handwritten document titled "Summary of Loan + Purchase Agreement of Apartments." Later, they agreed that pl would buy a fourth apartment for 600,000 NIS. Under the guidance of a lawyer (=lyr), who discussed the legal challenges, they reached an agreement of principles. Later pl signed an agreement to lend 1.5 million NIS each to a company that def owns and to a company which def owns in partnership with another person (=prtn). Lyr testified that the reason the payment was presented as a loan, with interest and guarantees, rather than a purchase, was due to tax issues. Eventually it was supposed to have led to purchase contracts and erasure of the interest. The sides progressed close to a final agreement and payment. However, after some disagreements, and a couple of months later, def returned the "loan money" with an additional sum for interest, as written in the original agreement. Pl claims that the money given in relation to the loan agreement was purchase money. Pl brought several proofs from documents that indicate that there was really a sale, not a loan, and that their agreement is no less than a *zichron devarim* (memorandum of understanding). Pl wants to go through with the purchase of the four apartments. If that cannot be done, he demands a fine of 10% as written in the agreement of principles. Def argues that there were only advanced negotiations about the purchase, and the loan was just one stage in the process. He raised different indications (including that the agreement of principles is unsigned) that the sale had not been finalized. Def also claims that prtn approved only the loan agreement. Prtn did not agree for *beit din* to adjudicate.

Ruling: [We have seen that while there are reasons not to enforce the sale, there is room for the sanction of *mechusar amana*.]

The Perisha (Choshen Mishpat 326:2) rules that grounds for moral complaints against a litigant should find expression in compromise, and the Beit Din Hagadol has recommended this. Our *beit din* is authorized to do so through our arbitration agreement.

One can argue that since def does not have the power to go through with the sale due to prtn, he cannot be sanctioned for his refusal. We reject this because def led the negotiations with pl in a deceitful matter, and he showed no effort in trying to get prtn to go through with the deal. This lack of trustworthiness is at the heart of *mechusar amana*.

According to the agreement of principles, the fine for breach of contract is 310,000 NIS. Because in this case, there was no legal breach but only a moral one, based on compromise, we obligate a third (103,333 NIS), from which we subtract the 29,000 NIS already paid in the form of "interest" on the loan. Therefore, def must pay pl 74,333 NIS.

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