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Parashat Tazria

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LOOKING BENEATH THE SURFACE

by *Rabbi David Nachbar*

The Torah's opening verse to the section that details the intricate and complex laws of Tzara'at contains an intriguing reference to man. It refers to an individual afflicted with Tzara'at not by the standard designation of "Ish" or "Ishah," but with the term "Adam", stating, "*Adam Ki Yihyeh VeOr Besaro Se'eit O Sapachat O Vaheret,*" "When an Adam has on the skin of his body a swelling, a rash, or a discoloration" (VaYikra 13:2). The usage of the appellation Adam in this specific context must communicate an appropriate message regarding an individual's experience of Tzara'at.

The term Adam, an abbreviated form of the word 'Adamah,' earth, connotes man's humble origin and sobering point of return. In God's punishment of Adam, He reminds Adam that he will work tirelessly to produce means of survival, "*Ad Shuvechah El HaAdamah Ki Mimenah Lukachtah,*" "Until you return to the Adamah from which you were taken" (BeReishit 3:19). The name Adam issues a reminder to man of his human failings and his own mortality. It reflects the degradation of man.

The Gemara (Sotah 5a) contrasts the usage of the term Adam in this opening verse with the term Basar, used in a later verse in Parashat Tazria describing the affliction of Shechin, an inflammation (VaYikra 13:18). The latter verse concludes by describing the healing of the inflammation, whereas no parallel positive outcome can be discerned in the opening verse of the section. The Gemara aligns the difference in outcome with the dual description of man. Basar, flesh, is soft and pliable, and it is symbolic of the positive character traits of humility, flexibility, and tenderness. Adamah, earth, on the other hand, is hard, rigid, and unbending. Its characterization of man highlights human arrogance, pride, and brazen sense of independence.

The term Adam, however, also underscores the opposite nature of man. The Netziv (VaYikra 13:2) cites the perspective of the Zohar that the name Adam reflects the importance of man. It highlights the spiritual and intellectual ascendancy of man, the

majestic quality of human living, surpassing all other living creatures. God proclaims at the dawn of creation, "Na'aseh Adam BeTzalmeinu KiDmuteinu," "Let us make Adam in our image, after our likeness" (BeReishit 1:26). In that context, the Netziv explains that the word Adam is a shortened form of the word 'Adameh,' 'I am comparable to.' Man is created in the image of God, and he radiates with intelligence, creativity, and mastery.

The term Adam is, thus, carefully chosen in the context of Parshat Tazria as it introduces the affliction of Tzara'at. An individual who suffers from Tzara'at endures more than a physical malady. Rav Yochanan teaches that Tzara'at develops as a result of an array of religious and human failings (Erchin 16a) – "because of seven things leprous affections are incurred: on account of slander, the shedding of blood, expressing a false oath, illicit relations, arrogance, theft, and stinginess." Tzara'at reflects the Adam of Adamah, the degradation of man to the depths of arrogance, deception, self-centeredness, and manipulation. In short, its appearance indicates the complete erasure of human dignity. Ramban (VaYikra 13:47) explains that Tzara'at is a symptom, a physical manifestation of God turning aside from a person, since "When Israel is wholly devoted to God, His spirit is upon them always," a state that prevents any development of ill appearance.

At the same time, the usage of Adam to introduce the intricacies of Tzara'at issues a powerful message of strength and encouragement to man that the affection lies on "the skin of his body" alone. Lest he sulk in despair or writhe in self hatred due to his failings, the Torah reminds him that he is an Adam, one who is Adameh to his divine creator. At his core, he is a majestic being with an unparalleled spiritual aptitude. He might have been severely misled in his actions, but his essential core has not rotted. The failings are on the surface, on "the skin of his body." Grave mistakes might have been committed, yet his life is still redeemable. He must not forfeit; rather, he must continuously aspire toward the divine image in which he was created.

This article draws on themes found in "Depths of Simplicity" (by Rav Zvi Dov Kanotopsky) and "Majesty and Humility" (from Darosh Darash Yosef by Rav Soloveitchik).

THE MEANING BEHIND TUM'AH AND TAHARAH

by *Shmuel Bak* ('18)

Parashat Tazria, begins Sefer VaYikra's treatment of the topics of Tum'ah and Taharah, the laws of ritual purity and impurity. As many of the topics included in these two twin areas of Halachah do not apply for the most part to us nowadays, many make the

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mistake that these laws are not be studied. However, there are several reasons why these laws are still relevant and need to be studied fully.

Practically, one reason we need to know the laws of Tum'ah and Taharah is that we must understand the laws of purity in these times in order to prepare for the future. It is true that the majority of the laws dealing with such matters are not applicable nowadays, yet these laws will need to be known by all of Bnei Yisrael just as well as the laws of Kashrut are known nowadays when the third Beit HaMikdash is built. By teaching Bnei Yisrael laws that are contingent on the existence of the Beit HaMikdash, Hashem gives all of Bnei Yisrael a bright future to look forward to, that is to say, when the third Beit HaMikdash is built, when they will be able to take the knowledge that they have gained in the areas of purity and impurity and apply it¹.

We can also look at this question in a deeper way, and suggest that the laws of Tum'ah teach us how to deal with and understand death. Rambam, in his Mishneh Torah (Hilchot Eivel 3) develops this idea when he discusses the importance of Meit Mitzvah, the Mitzvah to bury someone who has nobody else to bury his mortal remains. Rambam states that burying a Meit Mitzvah takes precedence over and overrides all religious obligations (see Megilah 3b), and all individuals who help in the burial of such a body are given a title of Chevrah Kadishah, or "sacred society." This implies that touching a dead body is a positive (and sometimes required) action. However, the question can be asked if helping in burying a dead body is so important and special, then why does touching a dead body result in a person's temporary exclusion from the Beit HaMikdash, the place where all of Bnei Yisrael are supposed to be welcome? Furthermore, coming in contact with a dead body makes one an Avi Avot HaTum'ah, or "father of all fathers of impurity", which seems to be a most undesirable and hurtful connotation. Two possible answers can be suggested to answer that question. Firstly, the Jewish nation was born into a world so preoccupied with the mysteries of death – from the elaborate crypts of the Pyramids in Egypt to complex pagan burial rites, most of the religions and societies were fixated on man's journey into the afterlife and communion with the souls of those who passed. In stark contrast, Hashem tells Bnei Yisrael to worry only about the present, and forbids them from trying to communicate with those that have passed, whether by contacting Ovot, ghosts, or Yid'onim, familiar spirits (VaYikra 19:31). Although Judaism has a belief in life after death, the concept is never addressed explicitly in Tanach, and therefore we are told to focus on this world and the people that are still alive by

feeling the repercussions on our personal lives, as opposed to contacting spirits. Instead of the "mysteries of the dead", we are given a routine to follow. Secondly, in many walks of life, death is part of a constant and normal routine. Doctors, nurses, and soldiers all deal with death firsthand, and Death's trail can be found scattered throughout the daily news. Thus, especially nowadays, we can easily find ourselves at risk of being completely desensitized to the concept of death. Hashem therefore created the state of being Tamei to say, in effect, that while man's encounter with death may be unavoidable, He limits our ritual observance for a period of time to impress upon us the significance and tragedy of death.

SELLING CHAMEITZ ON BEHALF OF NON-OBSERVANT JEWS

by Rabbi Chaim Jachter

A dear Talmid of mine posed the following dilemma: His parents were planning on visiting his family in Israel two weeks after Pesach. His parents had told him a week before Pesach that they had purchased six large boxes of oatmeal to bring to Israel after Pesach. My Talmid's children love American oatmeal and are unable to purchase a similar product in Israel. A problem emerged, since the parents are not Torah observant (the father is not Jewish) and were not planning to sell their Chameitz. The son was very uncomfortable asking his parents to sell their Chameitz, or at least the oatmeal, to a non-Jew. The parents have always been kind and supportive of his observance of Torah Law and he was very desirous of protecting their dignity by not impinging on the way they conduct their life. My Talmid asked if there was a Halachic mechanism that could avoid offending his beloved parents and allowing his children to eat the oatmeal his parents brought to their home. The problem is that it seemed that the oatmeal would become "Chameitz SheAar Alav HaPesach," meaning Chameitz owned by a Jew on Pesach. From such Chameitz it is forbidden for a Jew to eat or gain any benefit, even after Pesach. Although this Chameitz would Halachically be forbidden, the parents would be mortified if their grandchildren would not eat the oatmeal that they made such a great effort to bring from the United States.

Oats as Chameitz

Oats are regarded as one of the Chameishet Minei Dagan, the five species of grain which have the potential to become Chameitz. Posekim follow Rashi's translation of Shibolet Shu'al as Avenu, which is Old French for oats (many are familiar with Aveno, an oat based shampoo). Almost all Rishonim follow Rashi's opinion. Although there has been some discussion about this matter in recent decades among certain circles, most Posekim follow Rav Eliashiv's affirmation (cited by his Talmid, Rav Yosef Efrati,

¹ Editor's note: The laws of Tumah and Taharah do have significant impact regarding many areas of Halacha that we practice today.

Examples are Mikveh construction and the Halachot regarding the Sechach we use for our Sukkot.

without the beneficiary being considered the performer of an action of acquisition (Kinyan). Since the principle of "Zachin" emerges from a Gezeirat HaKatuv, it cannot be expanded beyond its specific formula on conferring a benefit to taking from someone on behalf of another.

The Ketzot bases his opinion on Rashba (Nedarim 36b), who explains that the Gemara's discussion as to whether or not one may separate Terumah on behalf of another applies only when one takes from his own property as Terumah for his colleague's produce. Rashba argues that it is unthinkable that one could take from his friend's produce to separate Terumah on his own behalf, since he is not authorized to do so.

Ketzot argues that just as the Gemara rules in accordance with Abayei that "Yei'ush SheLo MiDa'at Lo Havi Yei'ush," meaning that one is not considered to have given up hope on retrieving a lost item (thereby enabling finders to take it) unless the owner has actually given up hope (even though it is obvious that the owner will eventually do so). So too, we follow Abayei's rules that "Shelichut SheLo MiDa'at Lo Hav Shelichut," meaning that one is not considered to have appointed a Shaliach even if it is obvious that the owner would later be happy that a certain action was done on his behalf.

Rav Shimon Shkop (Chidushei Rav Shimon Shkop, Volume Four Kunetress HaShelichut number 25) counters that since people wish to be benefited, Halachah regards it as if everyone has issued an all-embracing appointment as agent of anyone who would confer a benefit upon him or her, whether by granting someone else an item or taking it from him or her. This differs from Yei'ush, where people do not wish to relinquish ownership of an item unless they have no alternative. Thus, one may not presume Yei'ush until it actually occurs.

Rav Yitzchak Elchanan Spektor (Teshuvot Be'eir Yitzchak 1) cites Pesachim (13a) as evidence for the Terumat HaDeshen. The Gemara sanctions a Shomeir (watchman) to sell immediately before Pesach the Chameitz that he was given to guard on behalf of the owner, even without his authorization. This is done in order to avoid the owner sustaining a financial loss. Imrei Binah, however, responds that the Ketzot would agree that a Shomeir is empowered by the owner to take any steps necessary to preserve the item he is given to guard, including selling the item.

Rav Yitzchak Elchanan, in the aforementioned Teshuvah, addressed our issue - whether one may sell Chameitz without authorization if it is undoubtedly in that person's best interest to do so. Rav Yitzchak Elchanan concludes that although one, LeChatchilah, should not do so (in deference to the opinion of the Ketzot), one may follow the approach of the Terumat HaDeshen in a case of great need (BiShe'at HaDechak). Piskei Teshuvot (5:77) notes that the consensus amongst the Posekim concurs with Rav Yitzchak Elchanan. Among the authorities he cites are Teshuvot Divrei Chaim (2:46), Chazon Ish (Even HaEzer. 45:11), and the many Posekim cited in the Sedei Chemed Ma'arechet Chameitz UMatzah (9:2).

Moreover, the Mishnah Berurah (309:27), citing the Magen Avraham, sanctions taking someone else's item even without permission in order to spare the owner a financial loss. He permits someone taking another's bowl even without the owner's permission and placing it beneath a candle so that the candle will fall into the bowl and not create a fire (the Mishnah Berurah discusses this in the context of the bowl becoming a "Basis LeDavar HaAsur," which normally cannot be created without the consent of the owner; in our case, it is permitted since the individual was acting in the best interest of the owner, and it is considered as if the owner created the "Basis LeDavar HaAsur"). The Mishnah Berurah notes that many Acharonim agree on this point. The Mishnah Berurah thus appears to reject the Ketzot in favor of the Terumat HaDeshen, Rama and Taz.

Conclusion

I sold the parents' oatmeal to a non-Jew prior to Pesach, following the approach of the Terumat HaDeshen and Rav Yitzchak Elchanan. An additional support to this ruling is the possibility that the non-Jewish husband might be regarded as the Halachic owner of the oatmeal, as was discussed earlier. Moreover, the prohibition of "Chameitz SheAvar Alav HaPesach" is a rabbinic prohibition. Although Chazal and Posekim are quite strict regarding this area of Halachah (as is common regarding the Halachot of Pesach), it seems that we have the right and obligation to follow the well-founded approaches of the Terumat HaDeshen and Rav Yitzchak Elchanan, in our case, in order to preserve the dignity and family harmony (Shelom Bayit) of a loving family that maintains its deep love despite significant differences amongst family members in observance of Halachah. One should consult with a leading Rav as to whether one may rely upon this approach.

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