

# FUCHSBERG JERUSALEM CENTER CONSERVATIVE YESHIVA

## TORAH SPARKS

### Parshat Pekudei

March 16, 2024 | 6 Adar II 5784

**Torah:** Exodus 38:21–40:38 **Triennial:** Exodus 38:21–39:21

**Haftarah:** I Kings 7:51–8:21

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**We believe that in times of great strife, words of Torah can provide stability and comfort in our lives.**

We know that you join us in praying for the safety of our soldiers and citizens, and that together we mourn the terrible losses already suffered.

**We stand together for a strong and secure Israel.**

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### Crying Uncle

**Bex Stern-Rosenblatt**

*Parashah*

In these next few weeks, we read the beautiful and tender story of an uncle helping to raise his nephews. We read with an exquisite level of detail the care that he took with each of them. We read of how he taught his brother, how he led his brother, in teaching his brother's children. These stories are full of loving physical touches, of the washing of feet, the caressing of ears. This is an intimate family story, played out on the public stage.

The promise of children is that they will replace their parents. Inherent in the robing, the clothing, of Aaron is the knowledge that these

clothes, this role, will be passed on to his sons. Over and over in the text we find the phrase, "Aaron and his sons." Moses, too, has children. But his role cannot be passed on. Instead, he gets to act as an uncle, helping pass Aaron's role on to Aaron's children, a position he takes up with grace and love.

The tragedy, of course, is that two of Aaron's sons will predecease him. Every time we read of Aaron and his sons in the next few weeks, we read with the terrible knowledge that Nadav and Avihu will die as they attempt to do their duties in a few short weeks. All the tender, loving action, all the teaching done by Moses, will not prevent their deaths.

Their line survives. Aaron's sons continue after the death of their brothers. Eleazar and Itamar, prevented from touching the bodies of their loved one, prevented even from mourning them, take up the mantle. They too have been anointed as priests, they too will serve. But the family is broken. The sweetness of two brothers raising children together is gone. Instead, we find Moses's anger and Aaron's near silent rebuke. In the wake of terrible tragedy, when they need each other more than ever, the family disintegrates, hiding behind their official roles. It isn't until Aaron's death that the family will be able to be close together again. It isn't until Moses helps Eleazar and Itamar into the clothing of their father that they are finally able to mount their brothers. Meanwhile, they all have jobs to do.

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Itamar is the youngest of all four brothers and the first to receive an independent commission. In our parashah, we read that he is responsible for recording the sums of the contributions to the *mishkan*. Later, after the deaths of his brothers, his role will be further explained. Itamar is the leader of the Gershonites and the Merarites, charged with the transportation and maintenance of the *ohel moed*. Why should the youngest of Aaron's sons get such a large responsibility? Why should he be singled out in such a way? Does God already know that Nadav and Avihu will die? Does Moses already know? Perhaps we are following in the biblical tradition of the elevation of the later son over the firstborn.

I think the most beautiful reading, though, is that Itamar is being set up as an uncle. The Gershonites and Merarites are his distant relatives. He is gifted with the responsibility to lead them and to love them, just as Moses led and loved him. He is allowed to think of his family expansively. Before his brothers are taken from him, Itamar is given a support system, a large family network. Moreover, Itamar, youngest of the brothers, is invited to emulate Moses. He is invited to act as uncle instead of just as father, to love the whole family rather than just his own children. A clue to this can be found in the name of the Gershonites. They are only one letter away from being the sons of Gershom, son of Moses. Indeed, the Book of Chronicles records them as Gershomites rather than Gershonites. Moses acts as uncle to Aaron's children who then act as uncle to Moses's children. Even as tragedy strikes, even as we lose and lose our loved ones, with a strong

enough family network, with love and relationship transcending the family, we will survive.

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## Connecting with the Inner Fetus

**Rabbi Daniel Raphael Silverstein**

*Insights from Hassidut*

*Rabbi Daniel Silverstein teaches Hassidut at the CY and directs Applied Jewish Spirituality ([www.appliedjewishspirituality.org](http://www.appliedjewishspirituality.org)). In these weekly videos, he shares Hassidic insights on the parashah or calendar.*

Click below to watch the [video](#):



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## Because We're Living in a Hametzdic World and I am a Matzah Girl

**Rabbi Joshua Kulp**

*Halakhic Essays on Pesah*

Beyond the prohibition of eating hametz, the Torah is strict and does not allow hametz to be found in one's possession on Pesah, a prohibition known as **בל ימצא** and even goes so far as to prohibit seeing hametz, a prohibition known as **בל יראה**. From a simple perspective, it seems that the Torah is advocating an “out of sight, out of mind” mentality. If the hametz is not on my property and I can't see it then I don't have to worry about it. We even find an echo of this in a midrash on Exodus 12:19, “No leaven shall be found in your houses for seven days.” Picking up on the word, “In your houses,” the **Mekhilta De-Rabbi Yishmael** comments: “‘Your houses’: This comes to exclude hametz owned by a Jew found on the property of a non-Jew, even though he could destroy it [he is exempt] because it is not in his property.”

This model is what I call the “possession” model. If one physically possesses hametz, if it is on her property, she transgresses the biblical prohibition. However, this is not the general model of relating to hametz that we find in Hazal. Rather, what we find is a model I call the “ownership” model. A Jew is not allowed to own hametz on Pesah, even if it is not on her property. And hametz on her property, hametz that she sees, is not problematic unless she has quasi-ownership over

it. For instance, **Sifre Devarim 13:1** states, “‘You shall not see for yourself hametz’--but you can see [hametz] belonging to others.” **Tosefta Pesahim 2:6** teaches, “A non-Jew who came to the house of a Jew and had hametz in his hand -- he is not obligated to remove it.” On **Bavli Pesahim 5b**, the Talmud brings up the possibility that one would hide one's hametz in a pit or somewhere outside his home, in a place where she won't see it, but rules that this too is forbidden since the Torah states that hametz should not be found “in your borders.” The problem is not possession but ownership.

The rabbis' decision to allow a Jew to see hametz owned by a non-Jew was almost certainly necessary given the social conditions in which Jews have almost always existed--living among a sea of non-Jews. For most of Jewish history, it would have been exceedingly difficult for a Jew not to look at hametz owned by a non-Jew. Keeping hametz completely out of sight would have been and still is highly impractical. But there is still a question of how far a Jew must keep away from hametz she does not own on Pesah? This question is asked by the **Yerushalmi**--can a Jew derive benefit from hametz owned by a non-Jew on Pesah. For instance, can a Jew rent out her donkey to a non-Jew to use to carry hametz on Pesah? Can she rent her boat for a non-Jew to transport the non-Jew's hametz? Can she rent out space for the non-Jew to store her hametz? There are conflicting amoraic opinions in this passage, but the passage is clear that even according to the lenient opinion, a Jew cannot participate in transporting a non-Jew's hametz on Pesah. This seems like too high a level of

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engagement with this temporarily but strictly prohibited substance. It is, I believe, an echo of the “out of sight, out of mind” thinking that is found in earlier sources. If I rent my donkey and the non-Jew uses it to transport her hametz, I don’t see the hametz and besides receiving money for the use of my donkey, I don’t engage with it. This might be permitted. But to pack someone else’s hametz onto my donkey and transport it somewhere—that’s too much.

The medieval period brought with it a host of questions concerning partnerships between non-Jews and Jews. For instance, R. Ya’akov bar Asher, the author of the Tur, **cites a question asked to Rashi**: If a Jew and a non-Jew are partners in the ownership of an oven, can the Jew tell the non-Jew to take the proceeds earned on Pesah and the Jew will take the proceeds from the week that either precedes or follows? Rashi and eventually the **Shulkhan Arukh** 450:3 both rule that this is permitted, as long as the stipulation is made prior to Pesah. However, in the very next section, the Shulkhan Arukh notes that if a Jew owns an oven, she cannot take money from a non-Jew for baking her hametz in that oven on Pesah. Doing so would seem to be in breach of the “out of sight, out of mind” model and too direct a form of deriving benefit from hametz on Pesah. But in section 5 of that chapter, the Shulkhan Arukh allows one to rent her oven to a non-Jew to bake matzah, even if the non-Jew will eventually bake hametz. This legal fiction would at least allow the Jew to imagine that her oven is not baking hametz on Pesah, a thought that might keep the Jew awake at night.

An example of a modern dilemma is whether a Jew may work in a non-Jewish bakery during Pesah. Rav Moshe Feinstein (Orah Hayim 1:4) was asked this question and ruled stringently. Beyond some of the technical reasons (such as she is actually responsible and liable for the hametz), it seems clear that this is a significant breach of “out of sight and out of mind.” To work in a bakery on Pesah and to look at hametz all day long is simply too much engagement with hametz to be tolerable.

Another issue addressed intensely by the aharonim is smelling hametz owned by a non-Jew. The Be’ur Halakhah Orah Hayim 443:1 has an extensive discussion about this issue. And again, while his comments are technical, I still think it boils down to how much distance a Jew wants to have between herself and hametz on Pesah. Does a Jew feel comfortable walking past a non-Jewish bakery and taking a deep whiff of the freshly baked croissants? Can one walk into the bakery with the express intent of doing so? Is this an infringement of “out of sight, out of mind”?

This issue came to the fore last year when the Israeli government passed a law allowing hospitals to ban hametz from their premises on **Pesah**. Remarkably, the previous year, one of the ostensible reasons the Israeli government was brought down was the decision of the minister of religious affairs in the Bennet government to instruct hospitals not to search visitors’ bags for **hametz**.

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Of course, the broader issue in these cases is the extent to which Israelis want to see the government enforcing religious rules. But I also believe the sensitivity of this particular issue goes all the way back to the “out of sight, out of mind” attitude that still underlies much of our emotional reaction to hametz. When writing this article I found questions (in Hebrew) on Israeli websites such as, “Am I allowed to look at a picture of hametz on Pesah?” While the rabbi answering quickly said, “Yes—you transgress only when you own the hametz,” the very question is illuminating. Can I stay at someone’s home when they have hametz there? Again, the answer was yes, but the questioner did not feel comfortable with the practice. As often happens in the development of halakhah, there is a trajectory created in the inner circles of Hazal and there is a trajectory created in the inner minds (or in this case, perhaps the tummies) of ordinary Jews and actual practice ends up meeting somewhere in between. There is no prohibition of looking at hametz on Pesah, but you just might not want to do so.