



פרשת תזריע מצורע
ראש חודש אייר תשפ"ג
שנת הקהל



HAKHEL IN THE PARSHA

The bulk of the Parsha discuss the laws of Tzaraas. A Metzora is not allowed to enter the city of Yerushalaim. Certainly they would be unable to participate in Hakhel.

The Parsha begins with the Tumah of a Yoledes (a woman who has given birth) and concludes with the laws of a Zav, Zavah and Niddah. Someone with one of these types of Tumah are allowed in the city of Yerushalaim, but they are forbidden to go onto Har Habayis. This means that they too would be unable to participate in Hakhel.

After giving birth to a male, a woman must wait 40 days and bring a Korban, before she can enter the Beis Hamikdash. After giving birth to a female, she must wait 80 days before bringing a Korban when she may once again enter the Beis Hamikdash.

According to the Minchas Chinuch and others, even newborn babies had to participate in Hakhel. They are included in the category of Taf.

So there can be a situation where the mother is unable to enter the Beis Hamikdash for Hakhel, but her newborn child must attend.

Some learn that a newborn child is exempt from Hakhel for this very reason. How can they be expected to join in Hakhel without their mother to take care of them?



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Seeking spiritual healing

Tzaraas was a physical manifestation of what was intrinsically a spiritual malady.

The Talmud lists seven sins which may potentially be the cause of an outbreak of Tzaraas; Lashon Hara (gossip), murder, false oaths, immoral relationships, arrogance, robbery and jealousy. The purpose of the disease was to highlight a person's spiritual shortcomings, so that they may repent and rectify them.

Some of these sins are alluded to in this week's Parsha itself, which details the laws of different types of Tzaraas and the purification of the Metzora.

In Parshas Metzora we read about the purification procedure for the Metzora. This process came after the Metzora had been pronounced clean. However, 'clean' meant that the Metzora had merely ceased his wrongdoing (and that their Tzaraas spots had gone). One of the purposes of the purification was to educate the Metzora as to how he may improve his character and rectify the sins that cause Tzaraas.

As part of his purification, the Metzora would bring two birds, a stick of cedar wood and hyssop. The Talmud explains that these items allude to two of the sins which bring about Tzaraas. The birds, known for their incessant twittering, reflects the sin of the Lashon Hara, a sin related to chattering.

The Metzora may have brought about his ailment through being haughty and arrogant, like the tall cedar tree. To be purified, the Torah subtly hints that he must humble himself like the lowly hyssop.

A third possible cause of Tzaraas may have been the Metzora's envy of his fellow's possessions, possibly even resorting to theft. One who had Tzaraas appearing on the walls of his house was required to have all his possessions removed from his home.

This again is commensurate to his deeds. He took possessions that did not belong to him, so the Kohen removes his possessions from his home.

The parallel between the purification procedure and these 3 sins is apparent in an additional stage of the Metzora's purification - the shaving of his hair. The hair on his head is shaved corresponding to the sin of arrogance, the proud head. The hair of his beard is shaved for the sin of Lashon Hara, the slanderous mouth. The eyebrows corresponding to his sin of envy, the jealous eye.

Parshas Metzora teaches the laws of how the Metzora become pure. The word Metzora is a composite of מוציא רע, meaning to take out or remove the negativity, alluding to the spiritual negativity inside of a person that they must take out. The Parsha of purification begins תורת המצורע, alluding to the fact that only through Torah study can one become purified from their inner negativity.

At the beginning of the purification of the Metzora, the first thing we are told is והובא אל הכהן, he must brought to the Kohen. When someone seeks self-refinement and improvement, they must find a spiritual guide or mentor, who can help them identify their shortcomings and guide them on the path of Teshuvah. The mentor will guide them to isolate themselves - to immerse in personal reflection and introspection.

There is also a lesson in the Parsha for the Kohen as well. The verse says that the Kohen must go out to the Metzora. Talmidei Chachamim cannot sequester themselves in their own personal service of Hashem. They must be prepared to give up their time and own spiritual pursuits to help others in their spiritual growth and quest for purification.

10. 331:3

11. Nitei Gavriel Niddah volume 3 57:3. There are stricter authorities who require one to move closer to the hospital for Shabbos. Most modern-day Poskim are of the view that if there is a need or if moving out would be uncomfortable or difficult, there is no need to push oneself to move out.

12. Nitei Gavriel Niddah volume 3 57:4 and Teshuvah 20. This could also present issues of danger,

if one will be far away from a hospital. Some Poskim write that even moving into one's parents should not be done if they live further away from the hospital. Again, if there is a need (comfort, care or young children who need to be looked after), one may move into parents.

13. Ketzos Hashulchan 140

14. Igros Moshe OC 4:104,

15. Shabbos 129a

16. See Aruch Hashulchan 330:4. Generally understood to be the active labour contractions. Issur V'heter writes that this is from when she cries out as a result of the pain of the contractions.

17. One should contact the hospital on seeing a large flow of blood

18. Ta"z 330:2

19. Shulchan Aruch Harav 330:3

20. Shabbos 128b, Mishna Berura 330:4, Shulchan

The Weekly Halacha Analysis

Childbirth on Shabbos

Rabbi Yonason Johnson

Parshas Tzaria begins with the laws of a woman who gives birth. Statistically, there is a 1 in 7 chance that a birth will occur on Shabbos. It is important to be well-versed in the Halachos that apply for a Shabbos-birth and these Halachos should be reviewed towards the end of pregnancy. In this edition we present some of the relevant Halachos.

Sefer Chassidim¹ writes that the parents should daven that the child not be born on Shabbos so as not to necessitate Chillul Shabbos². If a woman goes into labour on Shabbos, they do whatever is required (in accordance with the guidelines below) and should not feel bad about it. Indeed, the sages teach that a child born on Shabbos possesses great spiritual qualities.

One should not schedule an induction that would result in going into labour on Shabbos, even using non-medical methods as one is consciously putting themselves into a situation that will necessitate Chillul Shabbos. If there is Sakanah or a genuine medical need that necessitates induction on Shabbos it is permitted³.

A woman in labour is considered to be in the category of a חולה שיש בה סכנה - a life-threatening condition⁴ which allows, and indeed obligates one to desecrate Shabbos if required, even by performing Biblically forbidden actions that are for the needs of the woman in labour and the birth.

Minimising Chillul Shabbos

If it will not create a dangerous delay, one must try to minimise the violation of Shabbos as much as possible. This can be done by using a non-Jew or by doing things with a Shinui (an irregular manner)⁵.

Even though there is a dispute whether a Shinui is required for a חולה שיש בה סכנה (someone who is critically ill)⁶, everyone agrees that when doing things for a Yoledes, one must use a Shinui wherever possible⁷.

This is because the pain or a Yoledes is natural and "not even one in a thousand pass away as a result of childbirth."⁸ As a result, a Yoledes is not quite the same level as a חולה שיש בה סכנה.

Magen Avraham⁹ teaches that from the beginning of the 9th month, one should prepare whatever one can before Shabbos, so as to prevent or minimise the need for violating Shabbos for a Yoledes. This ruling is brought by the Alter Rebbe as best practise¹⁰. An example would be packing one's bag before Shabbos and preparing money for a taxi.

Moving Nearer or Further from the Hospital

There is no need to move closer to hospital for Shabbos in order to minimise Shabbos desecration¹¹. A woman can stay home where she is more comfortable. However, one should not deliberately go away for Shabbos to stay further from the hospital than at home during the later part of the 9th month such as to the country or on holiday¹².

Similarly, a woman does not need to choose the closest hospital in order to minimise Chillul Shabbos. This is only if the choice is because the hospital has more expert doctors or she is more comfortable or feels that she will receive better care there. However, one should not choose a hospital that is further away purely for financial reasons.

If labour starts before Shabbos, one should go to the hospital before Shabbos, rather than waiting until Shabbos to go¹³.

The requirement to minimise Chillul Shabbos is only if the activities are being done by a Jew. If the action is done by a non-Jew, which itself is only a Rabbinic issue, there is no need to minimise it¹⁴.

When a Yoledes is Considered Sakana

Chaza"l¹⁵ teach that a woman in labour is considered in a situation of Sakana (which would allow Chillul Shabbos) once she sits on the birthstool, or when she starts bleeding or if she needs to be supported by someone else in order to walk.

Sitting on the birthstool is understood to mean once she is experiencing heavy, strong contractions that are regular and close together¹⁶. Some Poskim try to define this with timing of contractions e.g. 5 minutes apart. However, each woman will labour differently and this must be taken into consideration.

Flowing blood refers to a large flow¹⁷ as opposed

to spotting. The Poskim write that this also includes the breaking of waters when accompanied with contractions. The need to be supported by her friends is when she cannot walk on her own as a result of the contractions and dilation. When determining or applying these signs, we err on the side of leniency in a case of doubt.

These measures apply to things that can be done without delay. Things that need to be done in advance may be done even before the Yoledes reaches this state even if only in a case of doubt¹⁸. The example brought in the Poskim is to send for a midwife¹⁹ which must be done well in advance of reaching this point of labour. Modern-day examples would be driving to the hospital, which cannot be left that late.

The Importance of Calm

One of the primary considerations for the needs of a Yoledes is יתובא דעתה, literally calming her mind. It was well known, already by Chaza"l, how important the emotional state and calmness of the Yoledes is for a safe and easy birth. If genuinely required, one may violate Shabbos even for things that are not medically needed but will help calm the Yoledes or allay her fear (obviously within reason).

Based on this they teach that one may light a candle (which entails a Biblical Melacha) for the Yoledes, even if she is blind. Even though she does not need the light, she will feel more at ease knowing that the midwife can see better²⁰. We allow this for the sake of her calmness, even if the midwife is skilled and does not need the light.

1. Siman 793
2. Even though one may violate Shabbos for someone who's life is in danger, which includes a woman in labour, there is a debate whether Shabbos is Hutra or only Hudcha, which would still mean that there is a Shabbos violation, except that it is permissible.
3. One should ask a Rofeh Yedid to ascertain whether the need is genuine or not and whether it could be delayed an extra day.
4. Shulchan Aruch Orach Chaim 330
5. Shulchan Aruch 330:1
6. Shulchan Aruch 328:12. See Mishna Berura 330:5
7. Shabbos 128b, Shulchan Aruch 330:1
8. Maggid Mishna 2:11, Magen Avraham 330:2, Shulchan Aruch Harav 330:1
9. 330:1 quoting Sefer Chassidim 831

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