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PARASHAT HASHAVUA

Acharei Mot, 12 Nissan 5774

Servitude after Liberation?

Harav Avraham Yitzchak Kook – based on Olat Re'iya on the *Haggada*

"We were slaves to Pharaoh in Egypt, and Hashem our G-d took us out from there with a strong hand and an outstretched arm. And had the Holy One Blessed Be He not taken our forefathers out from Egypt, indeed we, and our children, and our children's children would be enslaved to Pharaoh in Egypt" (*Haggada shel Pesach*). @@

In beginning to tell of the great kindness and goodness that Hashem did with us when He took us out of Egypt, the *Haggada* explains how our lot was switched from the extreme of badness to great goodness. For there are three types of slaves: 1) A slave to his own king; 2) A slave to a foreign king but still in his own land, e.g., when a foreign king captures the slave's land. This is better than being a slave to a foreign king in a foreign land; 3) A slave in exile in a foreign land. The *Haggada* tells us that we were in the worst situation –we were slaves, to Pharaoh, a wicked and cruel king, in Egypt, a foreign and impure land.

Hashem changed all of this for the good. We went from being slaves to being sons of our King, which is the opposite of the type of slaves we had been. We were taken out by Hashem, who is the opposite of a foreign king, and thus our relationship was one of princes, sons to their father, the king. Finally it was "from Egypt," as Hashem took us out of the impure land.

Furthermore, he did not take us out in a natural way, but rather by hitting Pharaoh with a strong hand and an outstretched arm. This is another way of saying that there were clear miracles, which enabled us to be elevated in the eyes of the nations.

Why did Hashem have to "go to the trouble" of taking us out of Egypt? Couldn't we have gained freedom in Egypt, conquered it, and made it our land? The answer is that this would not have been appropriate because Egypt is an impure land which does not befit us. The *Haggada* goes on to say that even if [we would have been freed but] we had not been taken out of Egypt, we, and our children, and their children would still be enslaved to Pharaoh in Egypt. Had we stayed there as a free nation, we would still have been enslaved to Egypt, in a manner of speaking, as that land, which is not appropriate for us would have impacted us with its impurity and the strengthening of the *klipot* (evil spiritual forces). If so, Pharaoh would have overpowered us spiritually. Therefore, Hashem took us out so that we would be fit to receive the Torah and all elements of sanctity.

That is why children and children's children are stressed. It is a hint at the inability to receive the Torah with its impact on all generations. The connection is based on the *gemara* in Bava Metzia that says that when a *talmid chacham* is followed by another two generations of *talmidei chachamim*, there is a situation where the Torah lives naturally within this family and the crown of Torah will be in their possession. This would not have happened had we stayed in Egypt, and therefore we must be extra happy and thankful that we merited the miracle of the Exodus, which enabled us to receive the Torah, the special present of sanctity.

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Ask the Rabbi

by Rav Daniel Mann

Siyum Participation Via Skype

Question: I will be in a small Jewish community in which there will not be a *siyum* on *Erev Pesach*. Is it permitted for me (a *bechor*) to eat based on a *siyum* in which I “participate” via Skype?

Answer: In the context of the halacha not to fast throughout Nisan, Massechet Sofrim (21:1) says that an exception is that *bechorot* fast on *Erev Pesach*. The Tur (Orach Chayim 470) and Shulchan Aruch (OC 470:1) cite this practice as normative, and the Tur explains that it is a remembrance of the miracle that the Jewish firstborns were saved in Egypt.

The idea that *seudot mitzva* cancel the fast is debated among the Acharonim. The Magen Avraham (ad loc.) does not even allow firstborn to eat at a *brit mila*; the Mishna Berura (ad loc. 10) reports that the *minhag* in his time was to allow eating at *seudot mitzva*, including a *siyum*. The idea that a *siyum* can play this role is found in the Rama (OC 551:10), who says that one can eat meat and drink wine at a *siyum* during the Nine Days.

In these contexts, there is room to distinguish between principals to a *seudat mitzva*, for whom the day is like a *yom tov*, and other participants. For example, a *sandek* can eat on the day of his parent's *yahrtzeit*, but a simple participant in the *brit* may not (Mishna Berura 568:46). Similarly regarding *ta'anit bechorot*, those who do not allow firstborns to eat at another's *seudat mitzva* are lenient regarding a *mohel*, *sandek*, and the father of the circumcised baby (Mishna Berura 470:10). Nevertheless, the *minhag* is to allow all participants to eat at a *siyum*.

The simple explanation is that their participation makes the celebration more special, thus heightening the *ba'al hasimcha's* event. Therefore, participation in the *ba'al hasimcha's* meal is the crucial thing. Indeed, some allow even one who missed the *siyum* to take part in the *seudat mitzva* (see Teshuvot V'hanhagot II:210). The following distinction would follow the same logical lines. The Minchat Yitzchak (VIII:45) says that when the Chavot Yair (70) allowed having a *seudat mitzva* the day after a night *siyum*, he was discussing only a *seuda* in which the one who made the *siyum* participates (see also Magen Avraham 568:10).

There is a *gemara* which is understood by some (see Az Nidberu XII:58) as turning the participants in the *siyum* into *ba'alei simcha*. The *gemara* in Shabbat (118b-119a) tells of those who were especially emotionally involved in the Torah successes of others, including one who would make a party for the rabbis when a young scholar finished a *massechet*. This implies that he was not just helping the learner celebrate, but that he felt the joy to initiate the party. The Minchat Yitzchak (IX:45) says that according to the latter approach (which he discourages relying upon but considers legitimate), it is not required for the participant to eat along with the main party.

It does not seem logical to consider one who “takes part” in a *seudat mitzva* via Skype as being a halachic participant, certainly not in regards to embellishing the *simcha* of the one who made the *siyum*. According to the approach that the observer has a right to celebrate his happiness, it is uncertain but at least plausible to say that witnessing the event via Skype is sufficiently significant.

Those who take a surprisingly lenient approach about *siyum* standards for *ta'anit bechorot* (including Az Nidberu and Teshuvot V'hanhagot ibid.; Yabia Omer, I, OC 26 is quite stringent) rely heavily on the following two factors. 1) The whole fast is a *minhag*. 2) For many people in our time, fasting would have a significant negative impact on the *Seder*. While not cancelling the *minhag*, some seem to lower the bar of who is included in the *siyum* to enable most anyone to eat. If one feels a need to rely on this approach, Skype participation can also be contemplated. If so, it is better to watch and celebrate as a group and/or to witness a *siyum* that brings true *simcha* (e.g., based on connection to the person or level of accomplishment).



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Ein Ayah

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

Qualitative Physical Blessing

(condensed from Ein Ayah, Ma'aser Sheni 26)

Gemara: "... Bless Your nation, Israel, and the Land You gave us, as You promised our forefathers, a Land that is flowing with milk and honey" (Devarim 26:15) – so that it will give taste to the fruit.

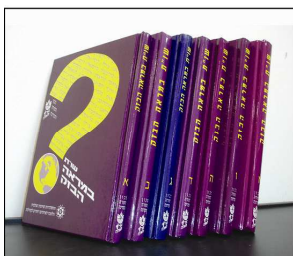
Ein Ayah: The connection between a Land that is flowing with milk and honey and the promise to our forefathers is very appropriate for the following reason. A lowly nation does not need to broaden its mindset through physical blessing. In fact, overabundant blessing in the physical realm will be damaging for the nation, as it will cause it to doze off into the realm of laziness when there is nothing to force it to exert itself, or it can bring the nation to a path of negative behavior.

In contrast, it is fitting for a lofty nation to live a life in which there is a broadening of the state of mind. We need not suffice with bread alone but should receive all that Hashem bestows upon us – a life of pleasure whose purpose is to uplift the spirit of the individual and thereby the nation. Therefore, as a sign of the uplifted status that Bnei Yisrael will finally reach, Hashem promised that our Land would be blessed as being one that flows with milk and honey. Along with this, the forefathers were informed that their descendants would be people of a high level, for whom the spiritual blessing is more prominent than a life of physical serenity and indulgence.

It is true that due to the bad choices of various generations, the *pasuk* of "they will eat and be satiated and will be fattened and turn to other gods" (Devarim 31:20) came true. However, that is an illness that can be healed. The evil can be refined by the intensity of the exile and the crucible of troubles that have overcome us.

Still the nation that was created for greatness will preserve its basic nature, as a nation that is full of the glow of life. A nation that was created to possess wisdom and spread light and insight in the world cannot live a life of contraction without anything to broaden its mindset. Therefore, the idea of a Land that flows with milk and honey is a decree that sets the tone for other pleasures of life. This is appropriate for the great spirits of a nation of thinkers who always strive to reach higher and higher. Along these lines, the Rabbis taught that honey and other sweet things make the tongue accustomed to the study of Torah.

Therefore, the principle of a Land flowing with milk and honey, which Hashem promised to our forefathers, is not noting just a quantitative multitude of material riches, which is not especially appropriate for a specific nation. Rather, it refers to a qualitative advantage that will give a special goodness to the fruit. This is because a special taste in the fruit makes the spirit gentle and happy. This is a major concern for a nation whose greatest interest is its spiritual completeness – to know Hashem – which is the purpose of Hashem's oath to the forefathers.



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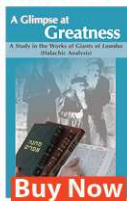
[Reuven owned/ran a small shul in his house. As he was on his deathbed, he wrote a will that stated that after his death, all the shul's furniture should be transferred to the big shul in town. After his death, his inheritors (not children, as he had none) said that they want to continue operating the shul and that giving away all the furniture will effectively close down the shul. There is reason to believe that had Reuven known that the shul was going to continue to exist, he would not have made the provision to donate the furniture to the big shul, especially because it is forbidden to uproot a shul. There is also one witness, based on whose testimony the inheritors would retain rights to the furniture.]

It is difficult to dismiss the will based on the assumption that it is forbidden to uproot things from a *shul*, since it is not clear that this applies to removing movable objects and because not everyone is aware of the halacha that it is forbidden to do so. Regarding the assumption that his foremost interest was the future of his own *shul*, if it could be preserved, that is not necessarily correct. It is possible that Reuven thought that it is a bigger *mitzva* or a better memorial for him (considering he died without children) to leave his *shul* furniture in the main *shul*.

However, the existence of the witness is significant. It is not a simple question whether the big *shul*, which is the recipient of the will, or the halachic inheritors are considered *muchzakim* (in possession until proven otherwise). If the inheritors are *muchzakim*, then with the one witness, they prevail without the need for an oath. Since a witness creates the obligation of an oath on a defendant, it is certainly able to come in lieu of an oath to exempt the defendant, who is *muchzak*, from an oath. If the big *shul* is *muchzak*, then the witness only obligates them to swear, and in this case, they are exempt from swearing because they are not expected to know what Reuven's intention was. However, it seems clear that the will does not turn the big *shul* into a *muchzak*. Since property is always assumed to go to its inheritor until proven otherwise, it would seem that the inheritors are *muchzakim*.

It is also possible that Reuven was not even considered the owner of the *shul* furniture, but that it belonged to *tzedaka*, and Reuven's rights to control the property are not the type of thing that can be transferred to an inheritor or given to the big *shul* after his death. If that is the case, which is probable, then the furniture would stay where it is in the small *shul*.

Another claim to nullify the will's validity is that it was done only through the non-Jewish courts and without a proper *kinyan*. If, as you said, Reuven was a *shchiv meira* (on his deathbed) and the document includes mention of death, then it works according to the special rules of *matnat shchiv meira* and is effective even if done only in the non-Jewish courts.



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