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HEMDAT YAMIM

PARASHAT HASHAVUA

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I Raised My Hand ... for Both Sides

Harav Yosef Carmel

In the framework of the promises that Hashem gave about the upcoming redemption, He said: "I shall bring you to the Land about which I lifted My hand to give to Avraham, Yitzchak, and Yaakov, and I shall give it to you as a heritage, I am Hashem" (Shemot 6:8). *Chazal* (Pesikta Zutra, Beshalach 17) and *Rishonim* (Rashi, Ibn Ezra, Ramban) say that the lifting of the hand stands for an oath.

Rabbi Chaim Paltiel connects between an oath and the shaking of a hand as a commitment. He says that such a commitment is irrevocable because the five fingers of the hand correspond to the five books of the Torah and the hands of the two people together correspond to the Ten Commandments.

The idea of Hashem lifting His hand in oath is always found in *Tanach* in the context of a commitment that He makes to Bnei Yisrael in connection to the giving of *Eretz Yisrael* to the sons of the forefathers. In some places the context is positive. Yechezkel referred to an oath that the mountains of Israel will give their fruit to His nation (Yechezkel 36:7-8). Similarly he spoke about the land promised to the forefathers being given out to the tribes (ibid. 47:14).

However, sometimes the context is negative. Hashem asserted in the aftermath of the sin of the spies that the generation would not merit entering the Land about which Hashem had lifted His hand (Bamidbar 14:29-30). Going back to Yechezkel, he tells of Hashem lifting His hand in the desert to disperse them among the nations rather than their staying in the Land (Yechezkel 20:23). When the people showed disdain for *Eretz Hemdah* (the Coveted Land), Hashem lifted His hand to have them die in the desert (Tehillim 106:24-6).

Why should there be such a close connection between this type of oath and the people's connection to *Eretz Yisrael*? One answer has an important lesson.

Hashem promised *Eretz Yisrael* to *Am Yisrael*, and this promise was strengthened with an oath. This created a special bond between the nation and the Land. However, this oath was two-sided, like a binding handshake. *Bnei Yisrael* became obligated to cling to the Land that was given to them, to settle it, make its desolate places bloom, and yearn for it when they were separated from it. Any time they forsook the Land, it was seen as a serious breach of the nation's obligation in relation to the Land, represented by the lifting of the hand.

Even when there are difficulties, we can remember, on one hand, the oath that Hashem made to us. We should also remember the great difficulties over the last 200 years that stood before our predecessors, who began the blessed waves of return to the Land. It is hard for people of our generation to even imagine such sacrifice that they encountered. Nevertheless, they stood up to difficulty after difficulty, came here, embraced the Land, and battled for it in many ways – thus fulfilling their/our commitment. May we merit to follow their lead and cling to *Eretz Hemdah*, establishing within the Land a proud society – Jewish and democratic, independent and upstanding.

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by Rav Daniel Mann

Beracha on Vegetable Soup

Question: What *beracha* do I make on vegetable soup when I consume just the broth?

Answer: (We will not presently discuss soup with *mezonot* elements (e.g., croutons, noodles), which complicates matters.)

The *gemara* (Berachot 39a) says that the “water of boiled vegetables [has the same *beracha*] as the vegetables (i.e., *Borei Pri Ha’adama*).” Therefore, we would think that this clearly answers your question. However, the *Rishonim* are bothered by an apparent contradiction, as the *gemara* (ibid. 38a) says that the *beracha* of most fruit juices is *Shehakol*. The distinctions various opinions provide are crucial to answering your question.

The Rashba (Berachot 38a) says that the *gemara* refers to vegetables that are normally eaten cooked, whereas fruit are normally eaten whole and not as juice. The Rosh (Berachot 6:18) says that cooking provides more qualitative taste of the source food than squeezing.

Another factor is the focus on the vegetables vs. on the broth. The Rosh (Shut 4:15) says that the broth “deserves” *Ha’adama* when it is normal for most people to cook the vegetables to eat them. (The Mishna Berura (205:10) seemingly cites this opinion as requiring the individual to cook it with the intention to eat the vegetables). The Rambam (Berachot 8:4) puts the stress in the other direction – if one has in mind when cooking to drink the broth, the broth is important enough to merit *Ha’adama*. The simple reading of these *Rishonim* (*V’zot Heberacha*, p. 270 cites dissenters, but apparently overstates their strength) is that when one has in mind to both eat the cooked vegetables and drink the broth, *Ha’adama* is appropriate for both elements. (One *beracha* suffices when they are eaten together.) Thus, the classic ruling is that on soup that is based entirely on vegetables, which are normal to be used for making soup, the *beracha* is *Ha’adama*, even on the broth (Shulchan Aruch, Orach Chayim 205:2), and my recollection of the *minhag* where/when I grew up was like that.

On the other hand, several classical and contemporary *Acharonim* advise against this ruling, based on other opinions and possible distinctions, as follows. The Mordechai (cited by the Magen Avraham 205:6) says that only vegetable broth that is used for dipping foods warrants *Ha’adama*. The Ra’ah (cited, but rejected, by the Mishna Berura (Sha’ar Hatziyun 202:66)) and other important but minority *Rishonim* understand the *gemara* statement that water of boiled vegetables has the same *beracha* as the vegetables as just meaning that the *beracha* made on the soup’s vegetables covers the broth, but if the broth is eaten alone, one recites *Shehakol*. This was enough for some *poskim*, including the Kaf Hachayim (OC 205:11; see Birkat Hashem 7:20), to invoke the rule that we avoid “going out on a limb” regarding *berachot*. The common application is to refrain from a *beracha* when it is unclear if it is warranted. Here its application is that since *Shehakol* works after-the-fact for all foods, whereas *Ha’adama* is ineffective for a food whose *beracha* should be *Shehakol*, we recite *Shehakol* in a case of doubt between the two.

Important contemporary *poskim* (see *V’zot Heberacha* p. 270 in the name of Rav Auerbach; Rav Elyashiv reportedly agreed) claimed that the vegetables in today’s soup often do not provide discernible enough taste to make the majority water worthy of the *beracha* of *Ha’adama*. (Some cite the precedent that the *beracha* on beer is *Shehakol* rather than *Mezonot*.) Although I view most vegetable soups I have eaten as full of vegetable taste, these opinions push the direction of practice toward reciting the “safer” *Shehakol* on the broth of vegetable soup. (When one eats the soup’s vegetables as well (at least a significant amount of them – see *V’zot Heberacha*, p. 119) the consensus is that *Ha’adama* covers the broth too (see Sha’ar Hatziyun 205:66).) However, one whose practice has always been to recite *Ha’adama* on the broth is not wrong if he continues, as this is the fundamentally stronger opinion, which is still followed by significant authorities.



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Ein Ayah

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

Prophet Serving as Rabbinic Inspiration

(condensed from Ein Ayah, Shabbat 1:67)

Gemara: If not for [Chananya ben Chizkiya], the Book of Yechezkel would have been hidden, for it contains ideas that contradict the Torah. What did he do? They brought him 300 jugs of oil; he sat in the attic and expounded [on the true meaning of the problematic passages of Yechezkel].

Ein Ayah: It is a tenet of the Torah that a prophet may not introduce a new operative law (see Rambam, Yesodei Hatorah 9:1). However, the courts of the Rabbis are able to come up with previously unknown ideas which they extrapolate from the Torah, according to the understanding of the court of the time.

When everything is in place and the court sits in the Chosen Place, it is not necessary to rely on information from previous generations, except for regarding accepted traditions known as *halacha l'Moshe miSinai*. Rulings on matters upon which there are doubts are the domain of the High Court. Sometimes they would come up with new ideas which became part of the corpus of Torah, for the Torah left provisions for a system that included the influence of the Torah and the agreement of the members of the court.

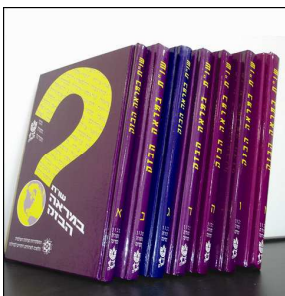
Although prophecy is not able to create new rulings, it is able to see into the future. Therefore, it is possible for a prophet to see that in the future the Rabbis will derive something from the Torah that will appear to be contradictory to the Torah, but will actually be a revelation of the depths of the Torah as seen in their time. The prophecy will reflect these ideas in advance of their being extrapolated, which will remain beyond understanding (which is fine, since the matter is not operative based on the prophet), until the generation comes that will be able to explain it properly.

As long as the aforementioned extrapolation of the Torah is not understood, there may be a call to have the book of the prophet hidden. We believe that the impact of the prophet is positive, but that it could be only in the distant future, when the ability to expound on it correctly will be arrived at. Therefore, if people want to keep the book in use and not hidden, they will need to find someone who can be elevated beyond the level of the generation. Then with his tremendous intellect, along with the Hand of Hashem providing Divine Spirit, he can arrive at ideas that are newly acquired, which will enable the words of the prophets to be reconciled with those of the Torah.

This is what they did with Chananya. They brought him 300 jugs of oil because oil represents Divine Wisdom, which is the reason it was chosen for anointing. This hinted that he would not succeed according to his human abilities alone, but he needed to be elevated by the ways of Divine Wisdom. He sat in the attic, which represented that only because of the dynamics of his special generation were they worthy of obtaining true understanding of Yechezkel's prophecy. Once he expounded on the *p'sukim* as he did, it became possible to reconcile the differences between Yechezkel and the Torah, and all were then allowed to learn from the Book of Yechezkel.

When we will merit a return to a full Sanhedrin, along with a *Beit Hamikdash* and a king, we will be able to use that which was learned as the basis for applying the ideas practically. Chananya, in his time, succeeded in reaching the levels of expounding on that which seemed too difficult to reconcile only when he was in an *aliya* (attic), in a lofty state, and with the help of the great quantity of oil, representing wisdom, which allowed for the singular achievement.

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P'ninat Mishpat

Subletting a House to a Larger Family

(based on Shoel U'meishiv II:IV:77)

The Shulchan Aruch (Choshen Mishpat 316:1) rules that when one rents a house, he can sublet, but not to a family that has more members than the original renters. On the other hand, a *teshuva* in Shut Maharam MiRutenberg (IV:279) says that one can sublet to a larger family as long as he is willing to pay the amount of money that the average person would agree to be compensated for expected damage to the house due to the increased number of people. This responsum is actually signed by someone named Rav Chayim. The Rav Chayim who is mentioned as the author of the responsum in the Maharam appears to be the son of the Ohr Zarua (see also communication of the Rashba (Shut I:571) with him).

When the Maharam himself addresses the subject of not subletting to a bigger family, he does not mention this distinction, suggesting that the Maharam did not agree with it. On the other hand, the Mordechai (Bava Metzia 357), a student of the Maharam, cites in his name, that one can sublet to a larger group of people, just that he also quotes the Rambam as saying that he may not. On the other hand, the Mordechai also contradicts himself on this matter. It is possible that even the Rambam agrees that one can add to the rent and be allowed to increase the number of occupants, and the reason that he doesn't mention it is because there is no Talmudic discussion on the matter.

Rav Chayim's logic finds expression in a parallel halacha. An employer is exempt from paying an employee whose job he cancels without due cause under circumstances that the employee is able to replace the work with other work that is not harder than that which he was supposed to have been doing. However, regarding a case where the replacement work is harder, the Rama (CM 333:2) cites two opinions as to whether it suffices for the employer to pay compensation for the extra toil. The Shach (ad loc. 13) says that it could be that the opinion that apparently does suffice with the compensation was actually misunderstood. While the Netivot Hamishpat (333:4) says that the aforementioned Rama is contrary to the Shulchan Aruch in 316:1, where the Rama does not comment, it is likely that, there too, the possibility of compensation for the extra trouble (in that case, inhabitants) exists. It is just that the Shulchan Aruch cites the language of the Rambam, and the Rambam does not mention that factor, as it is not found in the Talmud, but he might agree with it.

In the final analysis, if a renter wants to sublet a house to a family with more members than his, he may do so if he is willing to compensate to the expected increased wear and tear.



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