



HaRav Shaul Israeli zt"l
Founder and President

HEMDAT YAMIM

PARASHAT HASHAVUA

Pesach, 15 Nisan 5775

Through Your Blood Shall You Live

Harav Shaul Yisraeli – based on Shirat Hageula, p. 19-21

In the *Haggada*, we read *p'sukim* (Yechezkel 16:6-7) that use the parable of the birth of a baby girl to represent Bnei Yisrael's liberation from Egyptian bondage. The *navi* repeats the phrase "Through your blood shall you live." The *midrash* (Yalkut Shimoni 16) relates this to the blood of *mila* and the blood of *Korban Pesach*. What is the significance of the joint appearance of these two bloods?

Let us take a deep look at the liberation from Egypt, which was planned before bondage began (see Bereishit 15:13-14). We can understand the joy of those liberated from apparently random subjugation. However, when the subjugation and the liberation were decreed in advance, one could view the liberation as no more than the end of Hashem's decree rather than a positive redemption. What, then, makes the Exodus from Egypt so special?

Avraham asked: "How will I know?" (ibid. 8). How does "You shall surely know ..." (ibid. 13) answer his question? Avraham's unique path started with him acting expansively with "the souls he made in Charan" and his concern for all, from the people of Sodom to nomads who visited his tent. But then he complained by doubting the significance of this legacy if he had no children (ibid. 3). Then *mila* also singled out his family as different from all others. Although the letter *heh* that was attached to his name confirms his remaining commitment to being "the father of many nations," his methods seem to have changed.

The unity of mankind is fundamental to the Torah. We all possess a Divine Image, and the One G-d of the world is ours jointly; he is not just a national G-d. But specifically due to this, there must be a leading nation, which serves as a heart among the body's organs. With this in mind, Avraham asked how he should know he will merit this special task. Hashem answered that he will know because a special historical path awaits his descendants. Their experiences will train them to embrace a national legacy of *tikkun olam*.

The Sons of Israel entered Egyptian society with a belief that if they contributed to it, they would be seen as loyal citizens and treated as of the same blood. Once Yosef died, they stopped singling themselves by doing *mila* (Shemot Rabba 1:8) but learned the hard way that their feelings of unity went unreciprocated. While Bnei Yisrael stood out (Haggada), this was the Egyptians' doing, as they "stamped 'Jid' on their passports" and put them in ghettos.

In some ways, many ethnic groups have been subjugated and have fought successfully for their freedom. However, everything having to do with our liberation was uniquely miraculous.

"Through your blood shall you live." There is blood that makes one recognize his uniqueness. However, this applies to others as well. There are non-Jews who have been circumcised, and some have had their blood spilled in pursuit of independence. However, they do so to have an easier life and gain access to physical desires, like a roasted goat. It is special, though, to take the roasted goat and turn it into a sacrifice – to become independent only to agree to be dependant on the Master of the Universe. Here is where the double blood comes in. We give of ourselves for the service of Hashem instead of taking natural treasures that Hashem gives for our own interests like the nations do. We share with the world the word of Hashem that emanates from Zion. We pray for a restoration of a Sanctuary like at the time of Moshe and Shlomo (see Vayikra Rabba 7) – the former, at a time of isolation and the latter, at a time of expansion. The convergence of the two is the content of our *geula*.

Hemdat Yamim is dedicated to the memory of

Hemdat Yamim
is endowed by
Les & Ethel Sutker
of Chicago, Illinois
in loving memory of
Max and Mary Sutker
&
Louis and Lillian Klein, z"l

**R' Meir
ben Yechezkel
Shraga
Brachfeld**
o.b.m

**R' Yaakov ben
Abraham & Aisha
and
Chana bat
Yaish & Simcha
Sebbag, z"l**

**Rabbi Yosef
Mordechai Simcha
ben Bina Stern
o.b.m**
who passed away
21 Adar I, 5774

R' Shmuel Shemesh z"l,
Eretz Hemdah's
Board Member,
who passed away
17 Sivan, 5774

Mrs. **Sara Wengrowsky** bat R' Moshe Zev a"h, who passed away on 10 Tamuz, 5774



Eretz Hemdah

Deans: Harav Yosef Carmel, Harav Moshe Ehrenreich
2 Bruriya St. corner of Rav Chiya St.
POB 8178 Jerusalem 91080
Tel: 972-2-5371485 Fax: 972-2-5379626.
amutah number 580120780

American Friends of Eretz Hemdah Institutions

c/o Olympian, 8 South Michigan Ave.,
Ste. 605, Chicago, IL 60603, USA
Our Taxpayer ID #: 36-4265359

www.erezhemdah.org info@erezhemdah.org

Donations are tax deductible according to section 46 of the Israeli tax code

by Rav Daniel Mann

Hachnasat Sefer Torah on Chol Hamoed

Question: I have strong reasons to make a *hachnasat sefer Torah* on *Chol Hamoed*. Is it permitted to do so?

Answer: The main issue with the *hachnasat sefer Torah* for a new *sefer Torah* (as opposed to purchasing one or changing its venue) is writing its final letters, as the *minhag* is to do so on the day of the ceremony.

The *mishna* (Moed Katan 18b) says it is forbidden to write even a small part of a book on *Chol Hamoed*. The Rama (Orach Chayim 545:1) cites two opinions on whether it is permitted if the masses need the book after the *chag* and concludes that it is permitted if one uses simple, "non-artisan" writing. In other words, he understood that the *mishna* is referring to cases where there is not an acute need. These halachot follow the rule that simple work (*ma'aseh hedyot*) is permitted on *Chol Hamoed* for festival needs or communal needs, which are as significant even if they are for after the *chag* (Shulchan Aruch, OC 544:1).

Since writing a *sefer Torah* certainly needs an expert acting carefully (*ma'asaeh uman*), it should be forbidden on *Chol Hamoed*. The Shulchan Aruch (OC 545:2) does say that if there is no other *sefer Torah* for the community's Torah reading, a *sefer Torah* can be finished on *Chol Hamoed* for that purpose. However, it does not sound like that is your predicament.

Despite the above, there has long been a phenomenon of *hachnasot sefer Torah* on *Chol Hamoed*. Some *poskim* (including Aruch Hashulchan, OC 545:5) criticize the practice. However, several *poskim* justify the practice when done in a certain way, which is anyway common.

Usually the main writing of the *sefer Torah* is complete days before the event, except that the last letters are written by the *sefer's* owner and his honorees. To facilitate this, the *sofer* uses one of two systems: 1. Write the letters in very light ink, so that the donor writes on top to darken it. 2. Write hollow letters and have the donor fill them in. Some *poskim* suggest that in those cases the halachic writing already exists, in which case that which is left for the end is not a *melacha* (see discussion in B'tzel Hachochma IV:50). Moreover, even if it is a full *melacha* of writing, it is an example of *ma'aseh hedyot*, as a non-expert can follow the tracing or fill in the hollow letters. In that case, it is permitted for a simple *mitzva* even of an individual or an enhancement of the *chag*.

What *mitzva* or enhancement of the *chag* applies here? Some say it is the *mitzva* of having a *sefer Torah*. While some of the leniencies of *Chol Hamoed* apply only if one had to do the work at that time (which might not apply in your case), festival and *mitzva* needs can be done even if they could have been done at different times. Some question (see Minchat Elazar III:2) whether in our days, the writing of the *sefer Torah* is considered a *mitzva*, but that seems like a weak claim. In any case, since the whole celebration is such a joyous and *chag*-appropriate activity, all of its standard elements, which customarily include writing the last letters, are festival needs. (The *poskim* are not concerned with the possibility that the celebration impinges on the proper focus on the *chag*, which is the reason weddings are forbidden on *Chol Hamoed* (Chagiga 8a). A Torah celebration of this type is within the appropriate focus.) If the *sefer Torah* will be read from during the *chag*, including Simchat Torah, that should also be considered a *mitzva* purpose.

Thus, under the above conditions, it is permitted according to most *poskim*, including the Beit Yitzchak (Yoreh Deah II, addendum 20), Kaf Hachayim (545:6, based on the Sdei Chemed), and the contemporary Chol Hamoed K'hilchato (6:24). As mentioned, there is also some history of leniency. Some *poskim* (Shevet Halevi III:96, B'tzel Hachochma, *ibid.*) are willing to be lenient only in the case of real need, which you indicate you have.

In summary, if the celebration is most appropriately done on *Chol Hamoed*, feel free to do it then. Make sure the *sofer* completes his part before Pesach and leaves any expert brush-up work for after *chag*. *Mazal tov!*



We are happy to present our third volume of "**Living the Halachic Process**".

The book offers a compilation of questions and answers from our "Ask the Rabbi" project. A companion CD containing source sheets for the questions is also available.

The volumes can be purchased through our office at the special rate of \$24.

Special offer: buy two out of three for \$37

or, buy all three volumes for \$54

Have a question? -email us at info@eretzhemdah.org

Ein Ayah

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

Things That Delay Redemption

(based on Ein Ayah, Shabbat 2:14)

Gemara: The *pasuk* [about the pit into which the brothers threw Yosef] says: “the pit was empty; it had no water.” Considering it says that the pit was empty, don’t I know that it had no water? [It teaches us that] it did not have water, but it did have snakes and scorpions.

Ein Ayah: There are different categories of things that are damaging to people. Some things are made to be useful, but one can relate to them in a manner that makes them damaging to him. Instead of remedying such a situation by separation from the damager, one can just relate to it in its dominant positive side. The same is true for objects which can just as easily be used for benefit as for damage.

A pit full with water can cause one who falls in it to drown, but the pit is not objectively a damager, as it can easily be used positively – to provide water for those in need. An empty pit does not immediately have a positive use, but one does not need to remove it, as he can use it in the future for storing water. However, there is a pit to avoid – one which houses snakes and scorpions, which is unusable and damaging.

Chazal (Tanchuma, Vayigash 10) compare Yosef and Zion, as well as Yosef and Bnei Yisrael as a whole. Exile is sometimes referred to as a pit without water. Many thought that while Israel suffers from exile, exile need not be bad. Rather, they reason that our problems with exile stem from our approach and that if we learn to act in an endearing manner, the nations will accept us, and exile will become a stable life in a desired land. Such misguided people could view the pit (exile) as one with water, which is good as long as one is careful. However, their desire for the nations’ love is in vain. Not only is it not natural for exile to be a haven but even with efforts to make it livable (i.e., to live healthy Torah lives), they will not succeed because they will encounter damagers on all sides. Therefore, exile cannot even be compared to a pit without water, which can be filled with water. Rather it is like a pit with snakes and scorpions, which no one should want to be in, even after attempts to improve it. This curse of “and amongst these nations you will not have respite” (Devarim 28:65) also has an element of blessing, as it will cause Israel to raise its eyes to the Holy Mountain and the Desired Land.

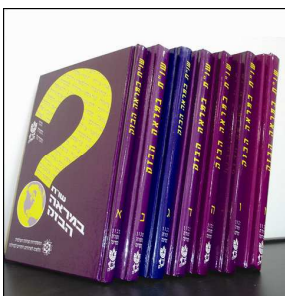
There is a fundamental difference between the damage perpetrated by a snake and that by a scorpion, and this parallels our experiences in exile. A snake bites purposely, due to the enmity between our species, which began with Chava and the serpent; a scorpion will sting a man accidentally with its sharp tail. A snake loses its ability to attack for some time after biting; a scorpion can sting time after time (Yerushalmi, Berachot 5:1).

There were times that the nations tried to sever Bnei Yisrael from the Torah and our special status before Hashem. That can be compared to the purposely damaging snake bite. While they caused damage, their venom was weakened in the process. The more they attacked, the more we were aroused to cling to that which is holy to us, and people were willing to give their lives to sanctify His Name. About this, *Chazal* said, “that which I was hit caused me to be beloved by Hashem” (Vayikra Rabba 32:1).

Exile “stings” unintentionally due to its nature and the lowliness of Israel. The nation and then its leaders deteriorate over time in regard to purity, love of Hashem, and holy characteristics. This is because the exiles are affected by the prominence of the home nations in their own lands. Because the damage is stable and subtle, this “scorpion sting” is able to remain dangerous over long time periods. The positive factor is that danger’s longevity imprints on our national psyche that we should not think that exile can be good.

Historically, we learned from the story of Yosef, as well as of our patriarchs, that the pit of exile is not only empty from water but also full of snakes and scorpions. We have no choice but to get out of this pit as soon as we can.

Hemdat Yamim is dedicated in memory
 of those that fell in the war for our homeland.



Responsa B'mareh Habazak, Volumes I, II, III, IV, V, VI, VII and now VIII:

Answers to questions from Diaspora rabbis. The questions give expression to the unique situation that Jewish communities around the world are presently undergoing. The answers deal with a developing modern world in the way of “*deracheha, darchei noam*”. The books deal with the four sections of the Shulchan Aruch, while aiming to also take into consideration the “fifth section” which makes the Torah a “Torah of life”.

Special Price: \$15 for one book or \$105 for 8 volumes of Responsa Bemareh Habazak (does not including shipping)

P'ninat Mishpat

Disqualifying a *Dayan* for Having His Lost Item Returned

(based on Chelkat Yaakov, Choshen Mishpat 1)

Case: On the way in to a *beit din* hearing, one of the litigants found and returned the lost object of one of the *dayanim*. Does that disqualify the *dayan* from adjudicating in his case?

Ruling: The querying rabbi cited the Tumim (34:18), who compares the disqualification due to a concern of "bribery" to the case of what Reuven is allowed to "receive" from Shimon when Reuven is forbidden due to an oath to receive benefit from Shimon. The Tumim says that in cases in which it is not halachically considered receiving benefit regarding the severe laws of oaths even though one is involved in putting the other in a more advantageous position, it is certainly permitted regarding the less severe laws of concern of indirect bribery. Shimon is allowed to return Reuven's lost object despite the oath that Reuven may not benefit from Shimon (Nedarim 33a). The logic is that the returner of a lost object is not doing a favor for the owner but is simply following Hashem's *mitzva*. Thus one can argue that if a litigant returns a lost object to the judge, the judge is not disqualified.

However, it seems simple to me that it is forbidden for the *dayan* to act as a judge in this case, although it is possible that this is just as a stringency. This contention is based on a comparison to a case in the *gemara* (Ketubot 105b). It tells of a *dayan* who disqualified himself because his sharecropper made his payment a day earlier than required when coming before the *dayan*/field owner for a hearing even though he was only receiving that which he deserved. Similarly, the *gemara* tells of Shmuel disqualifying himself because a litigant outstretched his hand to him before a hearing. One could have said that the litigant was not doing a favor to Shmuel but observing the *mitzva* to show respect to a *talmid chacham* (see Yoreh Deah 244), and yet Shmuel recused himself. There is a *machloket* whether these disqualifications were by law or based on *chumra*.

It seems that the Tumim's leniency applies only to "late bribery," i.e., benefits that a litigant provides for a *dayan* after a ruling has already been handed down (see Sanhedrin 27b with Rosh). Just as there is a Rabbinic prohibition against taking voluntary interest even after a loan's repayment is complete, so too it is forbidden to receive payment from a litigant after the ruling. In that context the Tumim stated his leniency to allow borderline benefits that are not considered benefits in the context of oaths. However, regarding benefits before or during the judicial process, which is a question of a Torah violation and in a setting in which warming of feelings between the two could affect the *dayan*'s judgment, it does not help that such benefit is permitted concerning oaths. For example, is it possible that a litigant can teach a *dayan*'s children or pay off his loans (see Nedarim 38)! Such matters are inconceivable when we consider some of the minute things that the *gemara* says disqualify a *dayan*. Although the language of the Tumim seems to indicate that he is referring to benefits provided before a ruling, there are indications of textual problems in this Tumim. In any case, it is impossible to be lenient in such a case.



NEW BOOK!!

A Glimpse at Greatness

A Study in the Works of Giants of Lomdus (Halachic Analysis).
Including Short Biographies of the Featured Authors
and "An Introduction to Lomdus"
by **Rabbi Daniel Mann**, Dayan at Beit Din "Eretz Hemdah - Gazit"

Buy Now

Eretz Hemdah is the premier institution for training young rabbis to take the Israeli Rabbinic's rigorous Yadin Yadin examinations. **Eretz Hemdah**, with its distinctive blend of Religious Zionist philosophy and scholarship combined with community service, ensures that its graduates emerge with the finest training, the noblest motivations resulting in an exceptionally strong connection to Jewish communities worldwide.