



HaRav Shaul Israeli zt"l  
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# HEMDAT YAMIM

## Parashat HaShavua

Eikev, 23 Av 5775

### Miracle of Miracles

Harav Yosef Carmel

We merit living in a time of miracles, albeit primarily hidden miracles, which can be noticed when one looks into matters carefully. We will now take a look at some "revealed miracles," which our *parasha* describes in reference to the *luchot* (tablets of the Ten Commandments).

The *luchot* are mentioned twice in this week's *parasha*. The first time (Devarim 9:10-11) is in the context of the first giving of the Torah at Sinai. However, these *luchot* were smashed by Moshe (ibid. 15-17). The second time, it says that Moshe was entrusted with quarrying the stones, while Hashem wrote on them "*kamichtav harishon* (like the first writing)" (see ibid. 10:1-4). (We will not discuss if the same or a new *aron* was used.) In the parallel section in Shemot (32:15-16), the first *luchot* are described as being written from their two sides and that the writing was engraved on the stones.

*Chazal* (Shabbat 104a) explain – in a manner that is very consistent with the *p'shat* (simple reading) – that there was a great miracle here. The letters were cut into the stones through and through, which meant that those letters that have an inner part that is detached from the outer part (such as *samech* and a final *mem*) were suspended in air by means of a miracle. Rashi on the Torah said that there was an additional miracle, that these engraved words could be read from opposite sides of the stone in their natural order.

The first miracle brings us to another question. What writing was used for the letters found in the *luchot*? Nowadays, our *sifrei Torah* and for the most part our printed material, use characters that are called *K'tav Ashurit*. However, the old Hebrew writing, which is known as *K'tav Daatz*, was very different, including that different letters in the respective alphabets have a hollow part to them. The aforementioned *gemara*, which refers to *samech* and *mem* as needing the miracle to exist in the *luchot* form, is assuming that *K'tav Ashurit* was used. The Yerushalmi (Megilla 1:(9)) points out that according to the opinion that the Torah was originally written in *K'tav Daatz*, it was the letter *ayin* that included the miracle of suspension in air.

It is possible to suggest that there is room for both versions of which letters had a miraculous nature, as it is possible that the two sets of *luchot* used different characters for the same content. The Torah writes that the second *luchot* were written *kamichtav harishon*, while it does not say, *kaktav harishon* (in other words, the content rather than the lettering was the same). They both also employed miracles, as Moshe relates that it was Hashem and not himself who wrote on the tablets even the second time.

Let us pray to Hashem that He should continue to protect us with miracles, whether they be revealed ones or hidden ones.

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by Rav Daniel Mann

## Eating Questionably Reheated Kugel

**Question:** Before our *shul Kiddush*, *gabbaim* noticed the hot plate (for *kugel*) was unplugged, so they had a non-Jew connect it (I don't know what they told him). I ate the *kugel* only after it cooled down. Was that necessary/allowed?

**Answer:** When a non-Jew does *melacha* on behalf of Jews, even without prompting, they may not benefit from it (Beitza 24b). While this suggests your compromise was right, we must consider various factors pointing to other conclusions.


First, might one be allowed to ask a non-Jew to plug in the hot plate, even though this is a Torah-level *melacha*? After all, the Rama (Orach Chayim 276:2) cites the *minhag* of some to have a non-Jew light a candle for a Shabbat meal because a proper Shabbat meal is a *mitzva*, and this includes having hot food (Mishna Berura 325:60). Where need justifies asking a non-Jew, benefit is also permitted. While the Rama condones this approach only for exceptional need, the Mishna Berura (276:25) permits it for a *mitzva* of the masses. However, heating up *kugel* is not critical for a *shul Kiddush* at least under normal circumstances.

A more promising way to use the non-Jew is with a "good hint." A regular hint made to him on Shabbat to do *melacha* on Shabbat is forbidden (Rama, OC 307:22). However, *Acharonim* rule that a hint that mentions only a need without mentioning any action is permitted (Magen Avraham 307:20; Mishna Berura 307:76). *Poskim* point out that, for several reasons, this leniency cannot obviate the whole prohibition of *amira l'nochri* for those who use good hints (see Orchos Shabbat 23:(24)). However, some serious *poskim* permit it when the non-Jew's action provides no "halachic benefit" (see Shemirat Shabbat K'hilchata (30:3). Does heating up a fully cooked *kugel* provide halachic benefit?

When usage of an object is possible (a hard word to define) without the *melacha*, it is not considered benefit. One application is that if a non-Jew lights a second candle, it is permitted to do things that could have been done, even with difficulty, with the first light alone (Shulchan Aruch, OC 276:4; see Mishna Berura ad loc. 20). Arguably, since (almost any) *kugel* can be eaten at room temperature, heating it up is not benefit. On the other hand, Igrot Moshe (YD III:43) limits this leniency to cases where the benefit (e.g., light) is provided by a different object (e.g., candle #1); one may not receive benefit (e.g., coolness) provided only by a non-Jew's *melacha* (e.g., putting on an air-conditioner) even if one can do the same thing (e.g., eat in the room) without that benefit. Rav Auerbach argues similarly and also distinguishes between Torah-level and Rabbinic *melachot* (see Shemirat Shabbat K'hilchata 30:(167)). If this is correct, then when the non-Jew provides all the re-heating by plugging in the hot plate, a good hint would not help. (How one deals with the apparent contradiction regarding using shoes that a non-Jew finished preparing on Shabbat – see Mishna Berura 252:30, 327:16, and 253:98 (below) – may be crucial). Without exhausting the topic, it is questionable whether a good hint would allow heating up the *kugel*.

Does letting the *kugel* cool off solve the problem? The Rashba (cited by Beit Yosef, OC 253) discusses (almost exactly) our case and forbids eating the food even after it cools down (see Minchat Shlomo I:5), as a penalty for one who violated the rules of *amira l'nochri*. While the Rama (OC 253:5) *paskens* like the Rashba in a slightly modified case, the Mishna Berura (ad loc. 98) limits the stringency to the part of the food that is not readily eaten cold (unlike most *kugels*). The Rashba himself refers to a case where the Jew knew he was acting improperly.

We summarize as follows. It is unclear whether heating up *kugel* is halachic benefit, which determines whether one could have eaten it warm, irrespective of the *gabbai's* action's propriety. Eating it after it cooled off was permitted if the *gabbai* believed (all the more so, if he might have been correct – see Mishna Berura 318:2) he was acting correctly.



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# Ein Ayah

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

## Restricted Information

(condensed from Ein Ayah, Shabbat 2:53)

**Gemara:** Rav Yehuda said in the name of Rav about the *pasuk*, “Inform me of my end and what the measure of my life is” (Tehillim 39:5) – David said before Hashem: “Inform me of my end.” Hashem responded: “It is My decree that we do not inform flesh and blood about his end.” [David continued]: “What is the measure of my life?” [Hashem responded:] “It is My decree that we do not inform a person the measure of his life.”

**Ein Ayah:** There are two potential ways to investigate the length of a person’s life. One is to figure out, either through intellect or prophecy, the extent of a person’s power, which would give an indication as to how long he could continue living. However, Hashem, in His wisdom, arranged that the way a person uses his strengths is so complicated and that so much is dependent on things that are outside a person’s body, that one will never succeed in determining life expectancy in this way. This is how the *gemara* understands David’s request to know his end and Hashem’s answer that He arranged the world in a manner that man will not succeed.

The logic for not knowing how long one will live is simple. Study of biology is open to all sorts of people, including those with serious moral lacking. For such people to not feel the weight of uncertainty as to when they will die is morally damaging. Indeed, the lack of confidence weakens people’s evil inclination, even when they claim to not be impacted by it. Therefore, Hashem closed the gate of advanced inquiry in these realms. In fact, Hashem did not make this knowledge available, even through the medium of prophecy, in order to help with ethical concerns. This is because if there were prophecy on the matter, then there would by necessity be some intellectual way to get hold of some of that information.

There is another, loftier way to know when one will die, which depends on great divine wisdom. Each thing in the world comes with a plan and a goal, which, among other things, determines until when it is needed. A person has a certain time allotted to him so that he can accomplish certain things. His days are set according to what he is designed to accomplish. This is what is hinted at by the phrase “*ba bayamim*” (literally, coming with the days, which refers to a very old person). This means that he comes with the actions that he accomplished during his life.

Someone who is so spiritually sensitive as to know what he is supposed to accomplish should be able to figure out when he is supposed to finish them and die. To do this, one must be very in tune with Divine Providence as it relates to him, which happens only when one is beyond lowly physical desires and is especially prepared to serve Hashem in a complete manner and with a love of truth.

However, Hashem decreed that even a great man will not be ethically well-served to remove himself from doubt about his future, which escapes revelation either through the physical side or the goal-related side. The doubt distances people from being overly wicked and even from being overly pious (see Kohelet 7, 16-17). The knowledge of the end of one’s life takes away from the form and value of life itself, and Hashem prevented one from acquiring this knowledge in its varying forms.

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## Adding on to Old Present or Setting New One?

(based on Shut Chatam Sofer, Choshen Mishpat 51)

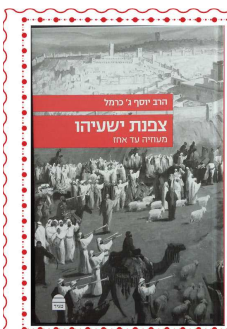
**Case:** Along with his older daughter's *ketuba*, Reuven wrote a standard *shtar chatzi zachar* (an obligation to a daughter, which creates the effect of the granting of a present in a will) for 1,000 gold coins. After Reuven's second daughter got more money in that form than her sister, he wrote another document to his older daughter, for 2,000 coins, to appease her. After Reuven died, his daughter demanded 3,000 coins from her brothers. They responded that the second document was to replace the first one, not to be added to it.

**Ruling:** The *gemara* (Ketubot 44a) says that when Shimon gives Levi two documents of a present or a sale, one after the other, we assume that the second one replaces the first. However, the Rif and Rosh say that in the cases of two loan documents between Shimon and Levi, we assume that each one is independently valid. The *gemara* in Bava Batra (172a) seems to confirm the understanding of two loan documents being complementary. On the other hand, the *gemara* (Ketubot 43b) says that if there are two *ketubot* and the second one does not say that it is coming in addition to the first one, we assume that it is a replacement. Nevertheless, the accepted opinion is that regarding loans, one does add onto the other.

The *Gidulei Teruma* points out that Rashi later in Ketubot seems to say that even regarding loans, the second replaces the first. However, it appears that Rashi agrees with the Rif, as we will explain. Some ask on the *gemara's* comparison of two sales, which are going on the same property, to two *ketubot*, in which there is no reason to preclude the possibility of two unrelated obligations. The *Gidulei Teruma* argues that a *ketuba* is different from a loan, in that it is not common to have two *ketubot*, so that if there are two, it should have been noted in the second one. Rashi apparently did not agree with that answer and felt that when the *gemara* compared the different cases in this regard, it was because they thought there is an across-the-board rule that we do not assume concurrent obligations. However, once the *gemara* started making distinctions, Rashi agrees that we are to distinguish between different obligations, and he too holds that loans (and even *ketubot*) can be assumed to refer to concurrent obligations, which is not so for presents and sales of the same property.

The *gemara* (Ketubot 44a) says that there are two ways to view the second document undoing the first: admission that the first is false; relinquishing rights (*mechila*) included in the first. However, we rule that *mechila* cannot undo an obligation found in a document, leaving only the possibility of admission of falsehood of the first document. However, such an admission is an unusual course of events, which makes sense only when there is something suspicious about the existence of two documents.

In any case, there is no particular reason to say that the second *shtar chatzi zachar*, which works like an obligation, should indicate an undoing of the first. Thus, according to strict law, the daughter should receive 3,000 gold coins. However, due to certain local reasons to question whether the father intended to give her so much, it is proper for the sides to compromise.



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