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HEMDAT YAMIM

Parashat HaShavua

Vayeira, 18 Cheshvan 5778

Ma'acha Spells Trouble

Harav Yosef Carmel

Our *parasha* ends with a list of the offspring of Avraham's brother, Nachor, most important among them being Rivka, the daughter of his son, Betuel. While most of the children (eight) were from his wife, Milka, he also had four children from his concubine, Reuma (see Bereishit 22:23-24). Thus, there were twelve children, which certainly reminds us of the twelve tribes that were born to Yaakov from his wives (8) and servants (4). While some say that the reason for all this genealogy is to understand where Rivka came from (see Rashi ad loc.), we will try to figure out who the last person mentioned in the list, Ma'acha, was, and what Ma'acha's connection to Bnei Yisrael was over time.

Rashi says that Ma'acha was Nachor and Reuma's son, but the Seforno claims that she was their daughter. We find the name Ma'acha (which, we will see, does not mean it was the same person), in the genealogy listing in Divrei Hayamim (I, 7:15-16). There Ma'acha is the wife of Machir, grandson of Yosef. This perhaps should not be surprising, since Machir himself was the son of Menashe, son of Yosef, from his "Aramite concubine" (ibid. 14). Thus, it would appear that Machir, who was considered like an Egyptian prince, married a princess from a leading family of Aram.

These types of connections are also hinted at in the genealogical lists in relation to King Shaul, from the Tribe of Binyamin. "In Givon lived the father of Givon, and his wife's name was Ma'acha. His children were ... and Kish ... and Kish had Shaul" (ibid. 8:29-33). So Shaul's grandfather also had a concubine of Aramite descent. The names the *pasuk* uses also indicate that people from the tribe of Binyamin lived in the Gilad along with the Tribe of Menashe (see ibid. 7:12).

Every time we find the name of a wife and/or noblewoman by the name of Ma'acha, the context is negative. For example, the mother of David's notorious (for his rebellion against his father) son Avshalom was Ma'acha, and she was the daughter of Talmi the king of Geshur. This was a small Aram-linked kingdom, which was in what is now the Golan Heights. King Aviya the son of King Rechavam came from Ma'acha, the daughter of Avshalom (see Melachim I, 15:2). Aviya was no *tzaddik*, as he killed 500,000 members of the Israelite kingdom in a fratricidal war (see Divrei Hayamim II, 13:17). The *midrash* (Vayikra Rabba, Behar 33) even stresses that he did it in a way that the faces of the slain were distorted. The mother of King Assa was also mentioned in a very negative light. She acted in service of the idol Asheira (Divrei Hayamim II, 15:16).

All of these examples strengthen the claim of Seforno that the Ma'acha mentioned in the end of our *parasha* was the daughter of Reuma, and that this became a popular name for Aramite women of standing. Specifically women of this name entered the Jewish people in an attempt to arrange political treaties, but we see time and again that such attempts to raise the diplomatic profile of the Jewish people had very dangerous consequences. We are thankful that our modern-day Jewish government is able to act to further Israeli diplomatic prominence without resorting to such spiritually dangerous practices as bringing Aramite princesses into our fold.

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Ask the Rabbi

by Rav Daniel Mann

Continuing to Eat a *Seuda Shlishit* without Bread

Question: When my family has *seuda shlishit* before *sheki'a* (sunset), I join them. The amount I eat varies, but I do not like to have a full meal with bread. May I continue eating after *sheki'a*?

Answer: The *gemara* (Pesachim 105a) says that one who is eating as Shabbat enters must interrupt his eating to recite *Kiddush*. It suggests that similarly one who is eating as Shabbat ends would have to interrupt the meal for *Havdala*. However, the *gemara* concludes that *Havdala* does not interrupt eating; it only interrupts drinking. Rashi explains that continuing the meal one started on Shabbat actually honors Shabbat. Since drinking is not considered a *kavua* (set, important) form of eating, there is nothing significant to continue. Furthermore, starting to eat when one should be making (or soon making) *Havdala* is a severe matter.

This *gemara* is the basis for the *halacha* that one who starts *seuda shlishit* before *sheki'a* may continue freely (see Shulchan Aruch, Orach Chayim 299:1). (The Shulchan Aruch *ibid.* mentions a minority opinion that once the time for *Havdala* has actually come, one must stop in any case; this is not accepted.)

May one continue when he has started eating but it is not a classic Shabbat meal, which must begin with bread and end with *Birkat Hamazon* (see Shulchan Aruch, OC 188:6-7)? The K'tzot Hashulchan (94, BHS 3) says that anything less than a proper meal is not the type of eating that allows one to continue. The Aruch Hashulchan (OC 299:5) adds that the fact that one did not wash and have bread shows that he did not consider it important enough. The Shevet Halevi (VIII, 36) seems to disagree, positing that any food that one eats in order to fulfill the *mitzva* of *seuda shlishit* has importance, and that status determines the matter of continuing. Rav Abba Shaul (Ohr L'Tzion II, 22:8) is lenient if one ate cake since eating a lot of cake constitutes a full meal regarding *Birkat Hamazon*. The Shemirat Shabbat K'hilchata (59:(47)) cites Rav S.Z. Auerbach as being unsure about this matter, but rules stringently even for one who was eating cake.

It is not clear to what extent all the above opinions disagree and how far each opinion goes, as we will explain. There are different opinions found in the Shulchan Aruch (OC 291:5) as to what one must eat for *seuda shlishit*. While the main opinion requires a bread meal, there are others: a *mezonot* food; meal-like foods; even fruit. It is possible that some of those who do not count cake were working with the assumption that this does not suffice for *seuda shlishit*, and cake lacks importance on its own merits. If you accept the opinion that it works for *seuda shlishit*, it is not unreasonable that it does for continuing as well. It is also possible that in contemporary society, in which many people rarely eat bread, other serious eating would also count. We would expect a consensus (it is not widely discussed) that a gluten intolerant person in the middle of an otherwise normal *seuda shlishit* would be able to continue. The idea that no bread is a sign of not having a set meal does not apply in these cases.

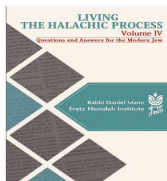
In the other direction, perhaps the Shevet Halevi allows continuing eating only the main food with which you want to fulfill the *mitzva*. This likely includes all the intended non-*Mezonot* food and drink to go along with the *Mezonot* food of a breadless meal. However, if one intends to fulfill the *mitzva* with cake more or less alone and then, for example, when a nice desert is served, one decides to have that too, it is likely not included. Thus, it is difficult to answer your question, as it lumps many possible scenarios together, and each has its own opinions and nuances.

It is certainly preferable to either eat bread or stop eating before *shekia* (or close to it – beyond our present scope). If you partake in a full meal but refrain from bread for a certain reason, leniency has strong grounds. If you are picking at food according to your mood, and even more so if you previously fulfilled *seuda shlishit*, it is difficult to allow eating as night approaches.

Do not hesitate to ask any question about Jewish life, Jewish tradition or Jewish law.

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Ein Ayah

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

Gemara: Where was tying done in the *Mishkan* [which would make it a *melacha* on Shabbat]? Rava said: They would tie things to the stakes that held the tent in place. Abaye said: That [is not a *melacha*,] as it is tying while having in mind to untie it [as the *Mishkan* was periodically moved]?! Rather, said Abaye: It was when the weavers of the fabric sheets, upon a thread being broken, would tie it up.

Untying as One Is Elevated

(condensed from Ein Ayah, Shabbat 7:4)

Ein Ayah: [The first piece relates to Abaye's question, and relates to an idea that we saw last time, that one function of tying is to connect something that is not set to something that is set.]

Elevated divine thought purifies all other thoughts. When the thoughts of others are attached to divine thought, they cannot be permanently attached, because divine thought causes man to become elevated from one level to a higher level. Then, that which had at the time seemed to the person to be pure at a given moment, due to the divine light, will turn out to be dark and gloomy when the person already is on a higher level. Therefore, he will need to undo them and retie them at a new place and style them in a new form and with a different quality, which is brighter and grander. This is the idea of a connection to stakes of the tent being tied with the intention to untie.

Tying to Unite One's Own Thoughts

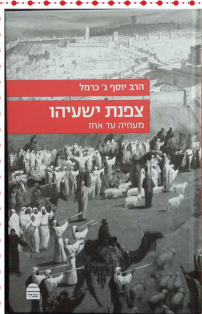
(condensed from Ein Ayah, Shabbat 7:5)

Ein Ayah: [The second piece relates to Abaye's answer.]

The second type of tying is when separate components are united into one entity, in a manner that they complement each other. It is not a matter of movable parts being attached to a greater, set object, but it has to do with the connection between two similar movable parts. They must be connected in a manner that unites them, so that each one is not facing in a different direction, and so they will not be opposing and contradicting each other.

This situation has a parallel in the world of human ideas. A person sometimes has thoughts on matters of wisdom, ethics, and philosophies that have different natures. The thoughts, though, should fit one another. If it turns out at times that one of his ideas contradicts another one, so that one is cut off from the other, it is important to fix the contradictory idea. The thought should not be allowed to "fly in the wind." Therefore, the different ends need to be reattached.

To the extent that the partial thoughts remain, so too that which unites them remains. While a divine thought is connected to a person's thought in a manner that it cannot remain tied, the different parts of a person's own thought should remain connected. That is the philosophical idea behind the reattaching of a thread that came up in the weaving process in the production of the fabric for the *Mishkan*.



Tzofnat Yeshayahu- Rabbi Yosef Carmel

The Prophet Yeshayahu performed in one of the most stormy and dramatic periods of the Israeli nation's life, a period of anticipation for the Messiah that was broken by a terrible earthquake, and also caused a spiritual and political upheaval. The light at the end of the tunnel shone again only in the days of Chizkiyah.

"Tzofnat Yeshayahu – from Uziya to Ahaz" introduces us to three kings who stood at this crossroad in our nation's history: Uziya, a king who sought God but was stricken with leprosy because of his sin; Yotam, the most righteous king in the history of our people; And Ahaz, the king who knew God but did not believe in His providence.

In his commentary on the prophecies of Yeshayahu, Rabbi Yosef Carmel, Head of the Eretz Hemdah-Gazit rabbinical court and a disciple of Rabbi Shaul Israeli zt"l, clings to the words of Hazal, our sages, and to the commentaries of the Rishonim, the great Jewish scholars of the middle ages, and offers a fascinating way to study Tanach. This reading attempts to explain the Divine Plan in this difficult period and to clarify fundamental issues in faith. Tzofnat Yeshayahu reveals to the reader the meaning of the prophecies in the context of the prophet's generation and their relevance to our generation.

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P'ninat Mishpat

Quitting or Firing? – part I

(based on ruling 71006 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The plaintiff (=pl) was a valued saleswoman for the defendant (=def), a storeowner, for over a year. During work two days before Rosh Hashana, she informed def that she would be unable to work the next day. Def said that she was not excused, and a heated dispute with threats by def ensued. Pl asked def if she would be fired for not coming in, and def said it would not be considered firing but her quitting. Pl did not come in and did not contact def in the days after Rosh Hashana. Pl is now suing for severance pay (just over 5,000 shekels – her monthly salary) and for various other employee rights she claims to deserve [to be discussed next time]. Pl claims that she could not come in the next day because of her child's illness. She also claims that according to the contract, she is not required to work on Fridays and that Erev Rosh Hashana is equivalent to Fridays. According to def, she had admitted that she was not coming in because she wanted to cook for Rosh Hashana.

Ruling: The idea of severance pay has a root in Torah law, in the halacha that an eved ivri is given gifts when he leaves his master. Although that financial relationship does not exist in our days, the Sefer Hachinuch (#42) says that it is proper to grant this for any long-term worker. Israeli law has adopted it for all workers, with the amount being a month's severance pay for every year served. However, the law applies only when workers are fired, not when they quit of their own volition. The pay can also be reduced or eliminated based on the circumstances.

A worker cannot determine that an employer is firing him, and an employer cannot determine that a worker has quit. According to logic (which is reinforced by the rulings of Israeli labor law, which is important regarding a right that is linked to Israeli law and common practice), the situation is viewed as follows. Fundamentally, def threatened pl that if she did not comply with his decision, she would be fired. On the other hand, even if we do not determine whose version of the story is more accurate, the situation is tempered by pl's problematic actions.

Pl's demand for a vacation day under circumstances when it was difficult for def to find a replacement and her refusal to accept def's decision was a breach of authority. These are grounds for firing, in which case the law allows the courts to reduce the severance pay. Furthermore, it behooved pl, if she wanted to continue her employment, to approach def after Rosh Hashana and see if she would be allowed to return. When she failed to do so, she demonstrated that there was an element of quitting to her behavior. Therefore, we rule that pl should be awarded two thirds of the severance pay that would normally would be due to her.

Next time we will continue with other elements of claims – plus a surprise in the ruling.

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