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HEMDAT YAMIM

Parashat HaShavua

Vayikra, 9 Adar II 5779

Korbanot – How Many?

Harav Yosef Carmel

The question of how to relate to *korbanot* (animal sacrifices/offerings) arises anew every year when we get up to *Sefer Vayikra*. This time we will try to enlighten our readers with a point to which all agree.

In the days of the forefathers, Avraham, Yitzchak, and Yaakov, offerings held an important place in the service of Hashem. They built altars (see Bereishit 12:7-8). They also erected *matzevot* (sacrificial monuments) (ibid. 28:18,22). They apparently even served Hashem under trees that they sanctified for service of Hashem (see ibid. 21:33 and Tzofnat Yeshayahu, end of *perek* 6).

When the Torah was given, service involving *matzevot* and consecrated trees became forbidden (Devarim 16:21-22). While serving Hashem through offerings on altars remained permitted, the Torah did limit the place where it could be done. During the 369 years that the altar was in Shilo and then the 410 years in the *Beit Hamikdash* in Yerushalayim, offerings could be given only in these places.

After the first *Beit Hamikdash* was built, sacrifices became permanently forbidden on *bamot* (altars other than the central one for the whole nation). The ramification was that most of the public did not have an opportunity to sacrifice at most times during the year. One can view this limitation as a spiritual message that opposes too much sacrificial activity and the resulting dependency on it in order to attain closeness to Hashem.

Despite the Torah's prohibitions in these regards, large numbers of Jews in the First Commonwealth period were unwilling to give up sacrificing on *bamot*, which existed throughout the country. Even when the Judean kings were righteous, they were unable to stamp out the practice, until the times of Yoshiyahu, close to the destruction of the *Beit Hamikdash*.

We will now try to demonstrate that the forbidden use of *matzevot* existed as well. In describing Avshalom's desire for continuity despite the lack of children, the *navi* mentions his making of a "*matzevet*," and the related root is found in different forms in the few relevant *p'sukim* (Shmuel II, 18:17) three times.

Whenever a *matzeva* is mentioned in *Tanach*, the Targum (Aramaic translation) renders it as *kamata* or *kama*, meaning a standing object. It was a large rock which was placed in a place of worship, upon which libations of wine or of oil would be poured.

There is a spiritual connection between the claim that it is wrong to forbid altars and the claim that worship on *matzevot* should be permitted. Avshalom's erecting of a *matzeva* was a "religious" act that went along with his approach that it was proper to have additional animal sacrifices, in various places. The fact that Avshalom is portrayed in a negative light also paints his activity in this regard negatively as well.

Let us pray that we will be able to increase and strengthen the feeling of and yearning for closeness to Hashem. In our times, we can do this by teaching Torah in a manner that sanctifies Hashem's Name.

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Those who fell in wars for our homeland. May Hashem avenge their blood!



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Ask the Rabbi

by Rav Daniel Mann

Extended Purim Seuda

Question: My family likes to have the Purim *seuda* toward the end of the day, and then we eat well into the night. What are the halachic implications (if any)?

Answer: According to the normal rules, we would think that this is not an optimal practice. Presumably, every moment and element of festivity of Purim adds to the *mitzva* (Rama, Orach Chayim 695). We do not find a *halacha* of *tosefet* (adding on to the day before and/or after Purim). Therefore, it all should be during the day.

However, the Terumat Hadeshen (1:110) cites an early source and a broad *minhag* to start the meal late in the day and go into the night. His requirement that a (significant) part of the meal is during the day makes the matter more one of preferences than of basic fulfillment of the *mitzva*. After all, if one has a meal in honor of Purim, then even if the part that was eaten during the day was not elaborate, he still fulfills the *mitzva*, especially if part of the festive food is eaten during the day.

The way the Terumat Hadeshen paints the *minhag*, it developed based on trading off the preferences of one *mitzva* vs. another. The morning and even part of the afternoon is full with *Kri'at Hamegilla*, *mishloach manot*, and *matanot la'evyonim*. The latter two are open-ended *mitzvot* which are strongly recommended to be done on a large scale (Shulchan Aruch, OC 695:4 regarding *mishloach manot*; Rambam, Megilla 2:17 and Mishna Berura 294:3 regarding *matanot la'evyonim*). One should also *daven Mincha* before the big and sometimes incapacitating meal (see Shulchan Aruch, OC 232:2). Thus, allowing the meal to start later enables one not to rush the other *mitzvot*. One may also add that in order to enable the inclusion of others (which is desirable, family or not), including those coming from a distance, one must give time for them to finish their *mitzvot* and make it.

The Terumat Hadeshen describes the *minhag* as having the main part of the meal in the evening, although, he also writes that he personally had his in the morning. The way the Rama (OC 695:2) sets out the *minhag* in the manner he considers acceptable, people should not start the meal too close to the end of the day; the main part of the meal should be during the day. It seems logical that he does not care how long one continues after nightfall but whether there was enough time to have the majority of what would have been a proper meal (including merriment and songs and words of inspiration).

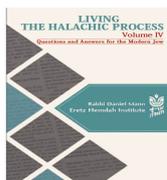
Is the festivity into the next night worth anything religiously? There are three ways to explain how it can be. The Terumat Hadeshen seems to say that the two time periods of the meal form one unit, and thus the day-rooted meal was lavish, which is what is important. The Meshech Chochma (see Mikraei Kodosh (Frank) 53)) says that in the time of the Purim story, the celebrations started in the day and continued into the night (as do the laws of *korbanot* – see Y'mei Hapurim, p. 157) so that the night is an appropriate time for festivities. The Levush (OC 695:2) says that both days of Purim (14 & 15 Adar) are days of festivity, so that the night is appropriate as the second day of Purim. According to the Levush, this *minhag* should logically not be as desirable in Yerushalayim, where the evening after the *seuda* is the 16th. That being said, the *minhag*, at least for Ashkenazim (see Mikraei Kodosh (Harari), 13:5), is to allow extending the meal into the night – even in Yerushalayim.

In theory, there could be a practical consequence of this *minhag*. The Rosh (see Tur, OC 695) says that *Al Hanisim* can be said only if *Birkat HaMazon* is recited during the day. He says the same thing regarding *R'tzei at seuda shlishit* (Shut 22:6). On the other hand, the Beit Yosef cites a Hagahot Maimoniot that *Al Hanisim* can be said at night if the meal started during the day, as we do in practice regarding *seuda shlishit* (Shulchan Aruch, OC 188:2). While the Shulchan Aruch elsewhere (OC 695:3) cites two opinions on the matter, his conclusion and that of the Rama is that *Al Hanisim* is to be recited in this case.

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Ein Ayah

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

Torah of this World Relevant in the Next

(condensed from Ein Ayah, Shabbat 9:6)

Gemara: One should not miss the *beit midrash* (study hall) and words of Torah even at the time of death, as it says: “This is the Torah: Should a person die in a tent” (Bamidbar 19:14). We see that even at the time of death, he should be involved in Torah.

Ein Ayah: The purpose of normal ethical teachings in the world, within which Torah excels in its power and sanctity, is to fix social life so that people will interact in a good way. Therefore, general teachings of morality are based on their impact on “temporary life.” As long as a person is connected to life, these teachings have value.

In contrast, the teachings of Hashem are loftier than that. Even matters of Torah that are indeed connected to the improvement of society are founded in such a way that the spirit of the community and individual citizens will be prepared for the World to Come. Therefore the Torah is just as relevant for one who is about to die and join eternal life as it is for one who will be living in this world for the foreseeable future.

This relevance applies not just to the Torah itself, but also to those things that surround and supplement it – the “tent” in which it is studied, the learned study partner, and the intellectually elevating atmosphere of the study hall. While these appear to only be important for the value of friendship during one’s lifetime, they are actually significant deep in the “fabric” of eternity and sanctity that they elevate. That is why one can derive from the *pasuk*, “This is the Torah: Should a person die in a tent,” that one should strive to be in the *beit midrash*, fully involved in Torah study right up to his death. The words of the Torah bring light and sanctity to the practical life at the “bottom of the land.” Therefore, it is proper to be in the partnership with scholarly friends who love and desire His Torah with all their vitality, for in the light of the life of eternity they will go continually from strength to strength.

Connected at the Highest Point

(condensed from Ein Ayah, Shabbat 9:7)

Gemara: The words of Torah will last only for one who “kills himself” over them, as the Torah says: “This is the Torah: Should a person die in a tent” (Bamidbar 19:14).

Ein Ayah: The absolute connection that the loftiest spiritual content can have with the spirit of one who strives for it depends on the highest point of the lofty matter. When a person turns toward this high point, he elevates himself to the highest level that he can perceive. Then every element of his personality, from the large to the small, is dedicated to this holy goal.

If the value of Torah finds expression only in the realm of life, it will not succeed in actualizing sufficient aspirations to be willing to roll back his involvement in the physical world needed to reach the highest levels. Torah will not take permanent hold of him as long as his interest in it is limited to the lower level of Torah – that in which it improves the life of society, whether by personal attributes or by actions. In contrast, things are much greater when one connects his internal desire to the highest element of Torah. This element is more special than all of life itself and allows a person to limit his physical world because Torah fills his heart. This is done with recognition that this high Torah is the treasure of the lofty life, which is more profound than that of this life of finite time. This recognition connects all of the details of the Torah in a broad light, so that it forms one torch along with the spirit of the person who learns, and it is this that stays with him. When this person “dies in the tent,” he constantly lives a complete life – “for he who finds Me has found life” (Mishlei 8:35).



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

Complicated Employment Agreement – part II

(based on ruling 77021 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The plaintiff (=pl), an acquaintance of the defendant (=def1), the manager and owner of a business (=def2), told her that he could improve her revenue collection. Pl sent def1 an email stating what he would charge her: 1000 GBP (British pounds) per month – 500 to be paid immediately and 500 when the business could “afford it.” Also, he would obtain a 15% share of def2, which she could buy back whenever she wanted for 10,000 GBP. Def1 did not respond to the email, and no contract was signed, but pl started working in Nov. 2014 and started receiving 500 GBP a month. In March 2015, def1 informed pl that she was discontinuing his work. Pl asked for the 10,000 GBP buyout, agreeing to payment in twelve 750 GBP installments (i.e., he forgave 1,000 GBP). After receiving one such payment, pl agreed to delay other payments due to def2's cash flow problems, but as of January 2016, he is demanding the various back payments. Def1 raised a procedural issue about who the defendant is: she never intended to pay from her pocket, def2 never signed a document, and the payments were made by a front company created by def1's husband. Def1 claims that she did not see pl as an employee to whom she owed money, and she began paying him only to avoid acrimony. She did not respond to the pay scale email because she did not understand it, and thus she did not accept its provisions. In any case, payment should be linked to benefit from pl's services, which were never achieved; that which she already paid was more than enough for his efforts. The extra 500 GBP a month were anyway to be paid only when def2 was profitable, which it never became. Pl points out that in the meantime hundreds of thousands of GBP were paid to other workers.

Ruling: Last time, we determined who is responsible for each claim and dismissed the claim that pl was not def2's worker. We now deal with further claims.

Deciding on compensation package when there was no agreement – A tosefta (Kiddushin ch. 2) rules that if there was a stalemate in negotiations on a deal and the matter later went through without further discussion, the demand of the one who did not reinitiate going through with the matter anyway is accepted. While that source is about a sale, the Ramban (Bava Metzia 77a) posits that the same is true of employment. We see then that a proposal that was never explicitly accepted can still implicitly become the working agreement. The matter is all the more clear in our case where pl's was the only proposal raised and it was never rejected.

One of the broadest rules in agreements is that one is not able to claim that his apparent agreement is invalid because he did not understand it (see Shulchan Aruch, Choshen Mishpat 61:13). This is true in this case, and even more so because def1 mentioned her being a seasoned businesswoman and because she made payments that showed that she did understand at least most of the proposal.

Pl's help is a condition for payment – Conditions that go unspoken are rarely presumed to be operative. It is not illogical that someone is paid for assistance that has the potential to be helpful even if results were not as envisioned. In this case, it is also difficult to ever know definitively whether the advice brought results. The fact that 500 GBP were withheld because of lack of sufficient profits is just a delay in payment, and does not indicate that the money will never become due at all.

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