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# HEMDAT YAMIM

## הַמְדָתָם

### Parashat HaShavua

Bechukotai, 20 Iyar 5779

#### More on Bonfires, Zionism, Torah, and Army

Harav Yosef Carmel

We saw last time that Israel has those who celebrate with fire the light of Torah and others who sit around bonfires to emulate non-religious pioneers. We looked to unify the two, which we will get to this week.

Many people in Israel are of the opinion that one cannot successfully integrate serious Torah study with service in the IDF. In metaphorical terms, we could say that they do not believe that the two flames can be combined to serve as a testament that the Divine Presence dwells in Israel.

An interesting *gemara* in Sanhedrin (49a) is a key to understanding whether Torah learners are expected to serve in the army or not. Shlomo argued with Yoav whether he was guilty for killing two generals, Avner and Amasa. Regarding Amasa, Yoav argued that he had rebelled because David commanded Amasa to gather soldiers and he did not do so. Amasa had answered that he was not at fault because when he approached many of them, he saw that they were engaged in Torah study and thus exempt. This implies that one cannot draft such people. However, the *gemara* continues on to a conclusion that Yoav was not a murderer for killing Amasa but that Yoav had rebelled himself on a different matter. Thus, Amasa was indeed guilty, which implies that the exemption from the army for Torah study is not accepted.

Does the establishment of an independent Jewish state in *Eretz Yisrael* have spiritual, Torah-based significance? We saw last week that Rav Kook explained that while application of the land-based *mitzvot* in *Eretz Yisrael* is a part of the significance of the Land, living in the Land is significant even when those *mitzvot* do not apply. He compares it to Torah, which is significant even when it is not leading to the active fulfillment of any other *mitzva*. He cites the *gemara* (Chagiga 5a) on the *pasuk* in Eicha (2:9): "Its king and officers are among the nations, there is no Torah," explaining it: Once Israel is exiled from the Land, there is no greater *bitul Torah* than that.

It is possible to explain the *pasuk* the simple way. Having no king and officers means that the nation is not independent in its Land; then, everything falls apart. As a result, there is no Torah because no one has a choice but to involve themselves in simple physical survival. That fits with the rest of the *pasuk*, which says that the prophets did not have visions anymore – for lack of the spiritual peace of mind. As Rav Kook wrote: "The main foundation of Torah depends on the upper spirituality that is in *Eretz Yisrael*." Therefore, full success in Torah and in prophecy depends on a kingdom of some sort in Israel. As *Chazal* said, exile is a guarantee of *bitul Torah*. While this can be exacerbated by troubles in the Diaspora, the importance of the connection to the Land is more essential. The existence of the IDF, which allows for an independent state, is part of the recipe for Torah.

In the more than seventy years since Israeli independence, we have seen Israel turn into the greatest Torah center in the world. We pray that we will merit seeing an ever-increasing Torah presence within the Land, with both scholars and soldiers, who both contribute to the ability of Torah to flourish.

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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

## Reheating Liquids on Shabbat

**Question:** Regarding the prohibition to reheat liquid foods on Shabbat (in cases where there is not a problem due to returning food to a heat source), what constitutes a liquid?

**Answer:** It is noteworthy that your premise of a prohibition is not obvious. The *mishna* (Shabbat 145b) teaches us that *ein bishul achar bishul* (=ebab – once a food has been (fully?) cooked, there is no further prohibition of cooking), and no *gemara* clearly distinguishes between solid and liquid. The distinction begins with Rashi (Shabbat 34a) on the topic of *hatmana* (insulating food) on Shabbat, who raises a concern one might heat up the food before insulating and thus violate *bishul*. The Rosh (Shabbat 3:11) in reconciling the two sources above posits that Rashi's problem refers to food with liquid. Many *poskim* have offered suggestions why liquid is worse. Perhaps the most accepted is that the change in the food from the first cooking is less noticeable regarding liquids that have cooled off (see Chazon Ish, Orach Chayim 37:13).

Several *Rishonim*, including the Rambam, Rashba, and Ran, apply *ebab* even to liquids (see Beit Yosef, OC 318). Yet, the Shulchan Aruch (OC 318:4) is stringent on the matter. The Rama (ad loc. 15) cites those who are lenient on reheating liquid and concludes that it is permitted unless the food cooled off totally. The more accepted explanation of this compromise is that the Rama fundamentally accepts the lenient position, but is stringent Rabbinically when it is cooled off because it is unnoticeable that it was already cooked. Even for Sephardim, Rav Ovadia Yosef (Yabia Omer X, OC 26) posits that the Shulchan Aruch did not totally discount the lenient position. This leads the way for various leniencies. For example, he ruled that if one did reheat a liquid on Shabbat, it does not become forbidden to eat and that it is permitted to ask a non-Jew to reheat a liquid on his behalf.

There are broad differences between opinions on the parameters of a liquid. The Beit Yosef (OC 318) cites Rabbeinu Yona as saying that it depends on the majority of the food. This seems surprisingly lenient; after all, even if the prohibition does not apply to the solid part, how can one ignore the cooking occurring to the liquid? There are a few approaches to explain. One is that we find elsewhere regarding the laws of Shabbat that an object is defined by its majority. Also, the food was already cooked, just that we say that the process was "lost" when it cooled down. Therefore, if regarding the object's majority the cooking is not lost, we can apply the rule of *ebab*. Also, whether the cooking is positive or negative may depend on majority. Yabia Omer (VII, OC 42) follows this lenient position, and Igrot Moshe (OC IV, 74 Bishul 7) allows it in a case of great need.

The Chatam Sofer (Shut OC 74) says that any amount of (external?) surface liquid makes reheating forbidden. Most classical sources (see Rosh, Shulchan Aruch ibid.) seem to take an in-between approach, referring to "have liquid in it". Unfortunately, few *poskim* go into detail of what that entails.

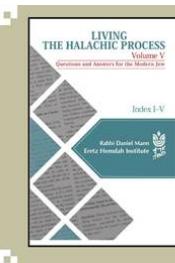
Orchot Shabbat (1:22) distinguishes between liquid sitting on the solid and that which accumulates separately. How would *cholent* with a little liquid that accumulates mainly near the bottom be considered? It seems logical on this matter of *machloket* to forbid only cases in which the liquid part has significance (see similar language with a different understanding in The 39 Melochos, p. 594). This can be when one will purposely eat the gravy, or when he wants it there to make it easier to heat up the whole food. Many *cholents* would be considered to have a significant liquid element, especially at night (at night, there is usually not a problem because one returns it when it is still hot). However, when reheating chicken, meat, or an oily kugel, one would not have to worry about a small pool of gravy that inadvertently appears next to meat. (We are not getting involved now in the discussion of the status of congealed gravy that becomes liquid after being heated).

**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.)

## Caution between Inspiration and Greater Inspiration

(condensed from Ein Ayah, Shabbat 9:22-24)

**Gemara:** [We continue with the events that preceded the revelation and the presenting of the Ten Commandments at Mount Sinai. On Sunday, they arrived at Sinai; on Monday, they were promised to be a unique spiritual nation in the world (*segula*).]

On Tuesday they were given the *mitzva* to cordon off the area around Mt. Sinai (into which unauthorized people were strictly forbidden to go). On Wednesday, they were to start separating themselves (from their wives).

**Ein Ayah:** Only after the lofty goal is presented, [even if it will be fulfilled only in the distant future], with all the beauty of its glory, and people's souls are excited to reach that level, then there is a need to fear sudden steps to break out forward. When one leaves the path of gradual progress, then people are liable to expose themselves to destruction in the world.

On the other hand, if they would be forced to scale down the idea before it was revealed to them that they will be exposed to a great light that will enlighten the whole universe, then their minds would be darkened and would not embrace the lofty spiritual form of the human soul to strive for greatness. However, after the heavenly aura, with all its grandeur, will be clearly presented to the spirit, and the great aspiration for spiritual greatness of global impact is presented, then one can be told to hold back and will not have his spirit overly weakened. Rather, at that point, the lack of restraint is more of a concern.

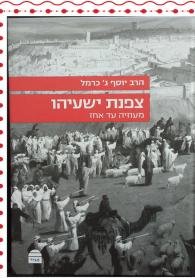
Therefore, only on Monday they were told: "You shall be for Me a nation of priests" (Shemot 19:6). After the tower of light was displayed to Israel and they realized how lofty the status for which they have to aspire was, they needed to have the fast flow of excitement curbed so that they not go beyond the boundaries. That is why the cordoning off of Sinai took place on Tuesday.

On Wednesday, it was time for the separation in people's personal lives, and the following is the logic behind the order. First there was a glimpse of great spiritual light, which pushes one toward his ascendance. Then there was a measuring of the pace of the ascendance. The final preparation was to arrange things on a personal, practical level.

One needs to separate between the pure soul and the emotions of the body and its forces so that they not become intertwined in a negative way. The body's coarse actions and inclinations are at the bottom of the natural fabric that makes man's life.

When one has the separation, not only will his spiritual expansion not be harmed, but it will actually be expanded by a powerful purity. Now he will be ready to listen to voice of the Holy G-d from an awe-inspiring stature of sanctity, which the whole nation reached at the revelation at Sinai.

So, after the drawing of boundaries that followed being informed about their *segula*, it was time to be told to temporarily separate from their wives.



**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 Hemda-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

## Dissolution of Real Estate Joint Ownership after Divorce

(based on ruling 76060.2 of the Eretz Hemdah-Gazit Rabbinical Courts)

**Case:** The plaintiff (=*p*) and the defendant (=*def*) are in the midst of divorce proceedings (their short marriage was a second for each). *P* has lived in her *yishuv* (=*yi*) for 20 years, as do a few of her children. *P* and *def* bought together a home under construction, which required a *bar reshut* (equivalent to ownership) from the Jewish Agency Settlement Department. The apartment is almost finished, and, to this date, *p* has paid more than half of the costs. *P* wants to be recognized as the owner (she will return his payments) because they received rights to build only because of her seniority and because the degree to which *def* was late in paying his part shows that they both realized that it was hers. Alternatively, she wants to buy out *def*'s rights because they are getting divorced and she has a much deeper connection to *yi*. *Def* wants to buy *p*'s part in the house and rent it out, and, if not, he wants to wait until construction is complete before selling his part. He adds that *p* received the *bar reshut* only because she was married at the time.

**Ruling:** The contracts with the Jewish Agency and with the builder list *p* and *def* as equal partners. The *halacha* is that even if one partner paid more/earlier than the other, the equal rights of the two remain (Rama, Choshen Mishpat 176:7). Since *def* is willing to pay his full part, he remains a full partner.

When both partners want to buy out the other's share, they remain partners (Shulchan Aruch, CM 171:8). However, we rule that if the partners are a divorced couple, we break up the partnership. The *gemara* (Ketubot 28a) says that a divorced couple must not live in the same neighborhood (/project) and that it is easier for a woman to move. There is a *machloket* whether this applies just to the question of who will live where or even to how to break up a jointly owned property. However, Rav Lavi (Shirat Devora II:32) posits, based on the Sha'ar Mishpat, that when there is equal ownership, we use logic to decide (even based on nominal factors) to whom it makes more sense to give the property (the other is compensated). In this case, the factors that *p* presented are more significant than *def*'s, as her life in *yi* is clearly more important to her. We note that even if *def* were to receive the house, he will not live there if he is not accepted as a member of *yi*, which is increasingly likely after the divorce.

We now discuss when to break up the partnership. The Shulchan Aruch (CM 176:16-17) rules that when there is no set time for a partnership, either side can end it when they want. In the case of a couple, the home partnership is assumed to end with the divorce, which is now. *Def*'s claim that the house's price will go up when it is ready and therefore he loses by doing it now, is a weak one because the construction is close enough to completion that the value will not change much. The reason for the small change is the danger that there will be problems in completing the construction; since *p* accepts these dangers, she does not gain improperly.

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