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HEMDAT YAMIM

Parashat HaShavua

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On Nationalism and Sanctity– part III

Harav Yosef Carmel

We saw in the previous installments that it is not simple to understand the connection between the ill-fated census that King David undertook and the choosing of the silo of Aravna the Yevusi as the place for the altar that turned into the place of the *Beit Hamikdash*. We will take our next steps on the topic by looking into the contexts of the various censuses that we have found throughout *Tanach*.

In our days, censuses include all citizens – men, women, and children. However, in the Torah, the count is only of adult men, from the age of twenty and above. In *Parashat Ki Tisa*, where the proper way to count is spelled out (Shemot 30:12-14), the process to be taken refers to those who “pass through the system of counting, from the age of twenty and above.” It does not say there why this gender/age was important.

In *Parashat Bamidbar* (Bamidbar 1:1-3), in the context of a counting which Hashem asked for, a reason is alluded to. It says: “From twenty years and above, all those who go out to the army, should be counted ...” In the second counting in *Sefer Bamidbar* (ibid. 26:4), again the cut-off point is twenty years old. Even later in the *sefer* (31:48), there is a report brought to Moshe that after the battle against Midian, there was a count of all of the participants in the battle, and no one was found missing.

The next counting was done by Yehoshua, again, as they were preparing to go to battle (Yehoshua 8:10-11). At the end of *Sefer Shoftim*, there is a count of the members of the Tribe of Binyamin, as they gathered to fight the other tribes. Shaul, as he prepared to go to war to save the people of Yavesh Gilad, “counted the people in Bezek, and Bnei Yisrael were 300,000 and the men of Yehuda were 30,000.” Shaul counted the people again in Telaim, and found 200,000 along with 10,000 from Yehuda.

Further censuses were held at the time of Achav and his son, Yehoram (Melachim I, 20:14-15; Melachim II, 3:6-7). Here too the context was military (see Tzofnat Yeshayahu, p. 148).

Based on the above, it is not surprising that the ill-fated census done by David was carried out by his chief of staff and some of his officers. There too, it says that Yoav found “800,000 men holding swords” (Shmuel II, 24:9). Thus, we see that the reason for counting in the times of *Tanach* was to see how many soldiers the people had access to.

Next week we will explain what caused David to count the people and what caused him to have the people punished with a plague. May the People of Israel always measure things with a stress on the quality, not the quantity.

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by Rav Daniel Mann

Frozen Challa for Lechem Mishneh

Question: May we use a frozen *challa* for *lechem mishneh* on Shabbat?

Answer: We will start by removing the main suspense: the one-word answer is clearly, “Yes.” After seeing why, we will see why some prefer avoiding the situation and weigh certain factors and distinctions.

The *gemara* (Berachot 39b) says that on Shabbat, one needs to start the meals with two loaves of bread, based on the *pasuk* (Shemot 16:22) regarding the double portion of *manna* that fell in the desert. The *gemara* then says that Rav Kahana would hold two loaves [during the *beracha*] but only cut off bread from one of them. Rabbi Zeira, it continues, would cut into the “whole *sheiruta*.” Rashi (ad loc.) explains that this means that his first cut was enough *challa* for the whole meal. The Rashba (ad loc.) says that it means that R. Zeira would cut bread from each of the loaves.

It does not seem that the Rashba understood R. Zeira’s practice as being a halachic requisite, and in any case, the accepted opinion is that of Rashi, that the preference is to cut a big piece but of only one loaf (Rambam 7:3; Shulchan Aruch, Orach Chayim 274:1). Several *Acharonim* (see Yabia Omer, VIII, OC 32) understand that according to Rashi’s approach, only one loaf is there for eating, whereas the second one is just for a reminder of the miracle in the desert. Accordingly, the second one does not need to be fit to eat from a practical perspective.

There is a *machloket* whether we go as far as saying that it does not have to be ready to be eaten at all. For example, some say (see Tzitz Eliezer XIV:40) that one can even use *matza* for *lechem mishneh* on Erev Pesach even though one is not allowed to eat *matza* at that time. The Pri Megadim (MZ 274:2) suggests that even one who does not usually eat bread baked by a non-Jewish bakery could count it for the second loaf of *lechem mishneh*.

On the other hand, some *poskim* prefer not to use frozen *challa* for *lechem mishneh*. The Shevet Halevi (VI:31) opines that if there is an opinion that instructs to actually cut from both loaves then everyone agrees that it should at least be fit to eat. The Shemirat Shabbat K’hilchata (55:(39)) cites Rav SZ Auerbach as saying that it is likely that it needs to be fit to eat at some type during the meal (the Shevet Halevi above seems to assume that the loaf would not be defrosted by meal’s end). Therefore, it seems that if one uses a pita or a roll, which will defrost within fifteen minutes or so, the consensus should be that it is totally fine.

One could ask that regarding a large loaf, as well, even if it takes more than an hour to defrost, the outer layer should defrost quicker, and the minimum size of a *challa* is only a *k’zayit*. The stringent leaning *poskim* probably assume that since people do not eat *challa* by peeling off the outside, the *challa* would have to be mainly defrosted (this distinction may be implicit in the Rambam, Shabbat 9:4).

Another distinction to consider is whether *seuda shlishit* is different from the other meals. In the direction of stringency, it is usually a shorter meal, therefore giving less time for defrosting, especially since for many it has a set finish time – before the standard time for *Ma’ariv*. It is even possible to argue that at that point of the day, if it does not count toward *lechem mishneh*, it is *muktzeh*. (The Tzitz Eliezer *ibid.* discusses this correlation, but says that it is fit for *lechem mishneh* and therefore not *muktzeh*; Mishneh Halachot XI:197 rejects the possibility of *muktzeh*). On the other hand, there is more room for leniency because it is unclear that *lechem mishneh* is needed at *seuda shlishit* (see Shulchan Aruch, OC 291:4-5).

In short, when there is a need, frozen *lechem mishneh* is valid, but there is some halachic logic to avoid it if it will not defrost during the meal. Yabia Omer (*ibid.*) said that it is preferable to borrow a *challa* from a neighbor and return it. Shemirat Shabbat K’hilchata (55:(43)) has a slight reservation whether it is considered fit for him to eat if he lacks permission to eat and not return it.

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Ein Ayah

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

Too High to be Connected to People on the Ground

(condensed from Ein Ayah, Shabbat 9:120)

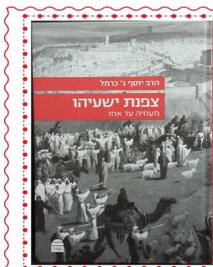
Gemara: Rabbi Yehoshua ben Levi said: That which it says, “The nation saw that Moshe was *boshesh* (late) [to come down from the mountain]” (Shemot 32:1), do not read it as *boshesh* but as *ba shesh* (the sixth hour came). At the time that Moshe went up to the Heavens, he said to Israel: “At the end of forty days, I am coming.” The Satan came and mixed up the world. He said to [Israel]: “Where is your master, Moshe?” They said to the Satan: “He went up to the Heavens.” The Satan said: “The sixth hour has come,” but they did not listen to him. [He said], “[Moshe] died,” but they did not listen to him. He showed them the image of a bed. It is based on this that they said to Aharon, “For it is Moshe, the man, who took us out of the Land of Egypt, we do not know what has been with him” (ibid.).

Ein Ayah: Moshe had the task of connecting his sanctity to Israel to provide them enough sanctity to be the nation of Hashem and to separate them from the pollution of bad thoughts of idol worship. In order to do this, the people had to feel that Moshe was connected to them and held them in his soul, his desires, and his thoughts.

Since Moshe was going up to the Heavens to have an intense personal interaction with Hashem, it was important to prepare in advance the connection with them. That is why it was important to set a time that was exact, up to the hour of the day he was planning to come – in the beginning of the sixth hour.

Actually, from Moshe’s perspective, there was no change or weakening of the connection between his soul and the people. However, since from the perspective of Israel, it was possible that some level of doubt could arise that the time had passed, the high level of connection was broken, on their side, to the sanctity of Moshe.

The passage of time was not enough, and the lie of the Satan that Moshe had died was also not enough to break the mental connection with Moshe, the trustworthy shepherd, and his sanctity. That is why the Satan then showed them an image of a bed. This was supposed to represent that Moshe had been separated from them by the elevation he received by his private audience with Hashem to the extent that his bed remained in the Heavens above. Under such circumstances, there was no longer a possibility for human beings, who dwell within the material world, to be connected to Moshe. This brought about a negative arousing of the spirit, which found expression with the complaint: “For it is Moshe, the man, who took us out of the Land of Egypt, we do not know what has been with him.”



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.

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P'ninat Mishpat

Bad Advice Causing Loss of Mortgage Rights – part I

(based on ruling 78002 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The defendants are an organization formed to build a real estate development (=def1) as a *kevutzat rechisha* (a group of purchasers = *kr*) and the company that supervises the project (=def2). The plaintiffs (=pl1 and pl2) signed up to join def1 and become owners of apartments with only one spouse signed (for technical reasons), which def1 and def2's employees said was fine. It turns out that this caused pl1 and pl2 to be ineligible for special government mortgage arrangements, and they are demanded payment of the estimated 42,000 shekels apiece over the life of the mortgage this is worth. The defendants argue that they were not obligated to arrange mortgages, that at the time of the advice given, it was not expected that buyers would benefit from government mortgages or that it made a difference if both spouses were listed as owners. Later on, switching the registry of ownership could have held up the whole group.

Ruling: The potential grounds for defs' obligations are the pl1 and pl2's reliance on them in a damaging manner (this is included in the obligation of *garmi*, which is semi-direct damage). The *gemara* (Bava Kama 99b) rules that if a moneychanger gave bad advice to a customer about coins, he is exempt if he is an expert, and obligated if he is not an expert. Even if he is an expert, if he was paid for the appraisal, he is obligated to pay for the mistake. The condition for obligation is that the advice-giver was aware that the customer was relying upon him (ibid.). The *Netivot Hamishpat* (306:11) says that if he is paid, we will assume that he is aware he is being relied upon.

Pl1 said that a representative of def2, who was in charge of the signing up and claimed to be a mortgage advisor, had him sign without his wife and said it was not a problem. At that point, def2 was not being paid, and it is likely that they did not realize that pl1 and pl2 were relying on them regarding the specific point of the impact on government mortgages. Because pl1 and pl2 are trying to extract money, they need to bring proof that there was reliance, which they did not do. To the contrary, the candidates to join the group were told to research the matter of financing themselves. Also, it seems that def2 were indeed experts in the field.

Furthermore, at the time that pls signed, it was not yet a mistake to have only one sign because the government had not yet changed the rules, which made it beneficial to use their financing, as opposed to those of banks. The *gemara* (ibid.) says that if there is a new situation, even in the period of time right after the change goes into effect, the advice-giver is not considered negligent in making a mistake.

Therefore, defs are not obligated for the original advice. [Next time we will discuss the period after the change.]

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