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Founder and President

# HEMDAT YAMIM

## ח'מ'ת'ת'מ'ח'מ'

### Parashat HaShavua

Balak, 16 Tamuz 5781

### Micha's Mashiach

Harav Yosef Carmel

The *minhag* is to read, as the *haftara* of *Parashat Balak*, the section of Micha 5-6, apparently because of one of its *p'sukim*: "My nation, remember what Balak, King of Moav, advised and what Bilam ben Be'or answered him ..." (Micha 6:5).

We will suggest another explanation. Micha was of the generation of Yeshayahu but received his prophecies later, starting with the time of King Yotam. There was apparently not that long between them, as *Chazal* tell us that Yeshayahu's opening prophecy was on the day that Uziyahu was stricken with leprosy, which was actually the time when Yotam started his rule. The prophecies of Yeshayahu and Micha look very similar, but it is important to note differences.

Yeshayahu describes a national redemption in which *Mashiach* does not hold a central role. In the famous prophecy about "the end of days" (Yeshayahu 2), he speaks about world peace, with gentiles coming to Yerushalayim for inspiration. He does not mention *King Mashiach*. If he is hinted at, he is not fighting Hashem's wars because swords have already been turned into ploughshares. When Yeshayahu mentions *Mashiach* (ibid. 11:1-5), he is not a warrior but a spiritual man who serves as a judge. Study of Yeshayahu teaches that this image was a result of the fact that Uziyahu, a warrior king who could have been *Mashiach*, failed and was punished. This prophecy could have been fulfilled in the time of another righteous king, Chizkiyahu, while the first *Beit Hamikdash* still stood.

Micha spoke about a later time, when the *Beit Hamikdash* would already not be standing and *Mashiach* would come. He describes *Mashiach* as following the model of his forefather, King David, who was a fierce warrior (see Micha 5:1; 5:7-8; 4:13).

When the pre-state settlement movement began, the first group of (religious) settlers of Gush Etzion saw Micha as their "Rav" and inspiration. That is why they wanted to locate the first settlement in Migdal Eder, a place mentioned prominently by Micha (4:8). They understood that *pasuk* according to Rashi and the Targum, as a reference to *Mashiach* and the return of Jewish sovereignty. They followed the Rambam (Melachim 11:1) who, in describing the time of *Mashiach*, cited the *p'sukim* from Micha rather than from Yeshayahu, along with *p'sukim* from the prophecies of Bilam from our *parasha*. He speaks about Bilam referring to two "anointed ones," David and *Mashiach*.

Therefore, the settlers of Gush Etzion followed those who wanted to connect the prophecies of Bilam and Micha. The Religious Zionist movement has, for over 100 years and especially since the establishment of the State, been following the approach that combines elements of Micha and Yeshayahu, which, after all, come from one holy source. On the one hand, we believe in developing great leaders in spiritual matters, such as Torah and fine attributes, like our mentor Rav Shaul Yisraeli z.t.l. On the other hand, we believe in developing those who, as part of their service of Hashem and nation, serve in the army, as Micha (and the Vilna Gaon) saw as a necessity for our times. Indeed, we have seen that the path of redemption requires steps of national sovereignty taken in the physical world. May we continue to make progress in building the State in all pertinent ways until the process is completed, as the prophets foresaw.

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



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## How Many *Challot* to Take Home?

**Question:** My neighbor works in a bakery, and when they have a lot of unsold *challot*, he often takes home dozens of them and encourages people at *Maariv* of Shabbat to come take as many as possible. I took what I thought I might use but not what I knew would go straight into the freezer because I thought it was *hachana* (preparation for after Shabbat). Is that correct?

**Answer:** Your reaction is understandable. After all, even taking something from one place to another can be *hachana*, as we see from the *halacha* not to bring wine on the first day of *Yom Tov* for *Kiddush* of the second day (Magen Avraham 667:3). The fact that the extra *challa* will be used for another Shabbat does not help because one may not prepare on one Shabbat for the needs of another one (Tehilla L'Dovid 302:6; see Shulchan Aruch, Orach Chayim 334:4).

However, there are several possible ways to justify leniency regarding the difficult to define prohibition of *hachana*. The Maharshag (OC 61) has a broad leniency that *hachana* does not apply when there is not a viable way of doing the same thing after Shabbat, which might apply here. However, there are many problems with this thesis, if taken broadly (see Kinyan Torah II:115).

In certain contexts, when an action is needed for Shabbat for a certain amount of objects, *hachana* does not forbid doing it to additional objects. One example is that one may wash multiple dishes even if he only needs one of them, because any one of them could be the one he decides to use (Mishna Berura 323:26). It is likely that similarly, you can bring home multiple *challot*, since any one of them can be the one you decide to use (there may be an indication of this in Orach Chayim 323:1).

There are other grounds for leniency, based on need. Apparently, your neighbor's idea is to give out all the *challot* as soon as possible. If he is successful, then if you do not take them on Shabbat, you will lose your opportunity. Does that matter? One is allowed to move a non-*muktzeh* object from place to place in order to prevent it from being harmed (Shabbat 123b), and *poskim* explain that an action done to prevent loss is not defined as *hachana* (see Orchos Shabbat 22:176). It is not obvious that this applies here to your lost opportunity if the *challot* are not in danger but will just go to someone else. Also, you are not losing property, just not obtaining more, and in Halacha, not receiving profit often lacks the halachic weight of losing something one already has (see Magen Avraham 533:6 regarding *Chol Hamo'ed*).

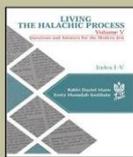
However, in this context, it appears that the lost opportunity to receive something for free is enough to waive *hachana*. The Shulchan Aruch (OC 266:13) says that one may not pick up a wallet that he found in public on Shabbat, but the reason for that is *muktzeh*, and one may move it where he likes by kicking it (Be'ur Halacha ad loc.) In order to explain why this would not be forbidden due to *hachana*, we must apparently have to assume that it is due to the loss together with the fact that moving an object is not a serious action requiring toil (see analysis of Machzeh Eliyahu 58). In our case, the situation is in some ways more lenient than there, in that here it is not clear to the observer that the *challot* will not be eaten (see Chayei Adam II:153:6).

In the case that your neighbors will not take all of the *challot*, there is a different type of damaging situation that justifies action. That is that the *challa* may need to be discarded, which is a situation we try to avoid (see Living the Halachic Process VI, G-9). Alternatively, the well-intentioned bakery worker may have the inconvenience of having a bothersome amount of *challa* in his house, making helping him of immediate value.

While it is permitted to acquire food presents one might eat on Shabbat (Shulchan Aruch Harav, OC 306:15), it is a problem if he is planning not to eat it. Therefore, if there are loaves that you are confident you will not eat, you should have in mind not to acquire them until after Shabbat (see Shemirat Shabbat K'hilchata 29:29).

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





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## Are Languages the Solution? – Letter #32

**Date and Place** 16 Shevat 5666

**Recipient:** Rav Kook's 14 year-old son, Tzvi Yehuda

**Context:** A short response, apparently to a letter by Tzvi Yehuda in which he inquired about how to broaden one's ideas.

**Body:** If I were not so preoccupied, I would ... show you how to broaden correct ideas from the depths of the straight heart. This is in contrast to those who think the only way to complete one's intellect is by force-feeding several languages.

True realization becomes clear to a person when he identifies the foundation of his inner rectitude. For a Jew, it depends on the degree that the light of Torah, in action and in thought, spread broadly through his heart and that fine attributes are deeply rooted in his soul. Then he will be full of the pleasantries that come from the divine aura and delight in Hashem and His goodness with satiating happiness, quiet tranquility, and internal bliss, full of confidence and power. "Those who know Your Name will rely upon You, for You, Hashem, did not abandon those who seek You" (Tehillim 9:11).

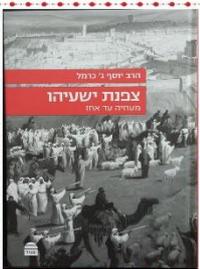
When one's internal foundation is filled with the richness of a life of truth and justice, all that he gathers into his midst from the outside is absorbed properly. Bad elements, which are like the impurities of precious metals, are cast off by the power of internal life, and that which is clear and pure remains. These are things that are collected from every matter, including those from the depths of darkness, in which there is always something that emits flashes of light. Just as the places of greatest darkness and despair are before Hashem, so are the hearts of man (see Mishlei 15:11).

However, since man should desire to share, to the best of his ability, the good he possesses with others, both to his nation and all of humanity, he is definitely more capable of explaining and influencing others when he adds languages and modes of expression. Indeed, everything that Hashem uttered is divided into 70 languages (see Shabbat 88b). But it is wrong to try to replace the intellectual purification process, which is a foundation of one's persona, with the development of linguistic skills, whether it be on a national or a personal basis. This reduces one's intellectual/spiritual standing.

Names are the beginnings of languages, as it says: "Adam called names ..." (Bereishit 2:20). The *nefilim* (ibid. 6:4), who caused the world's spiritual level to fall, were called "the courageous who had always been the men of name (*shem*)." This hints at the destruction (*shimamon*) they brought to the world. They thought that their unique ability to speak made them powerful (see Tehillim 12:5).

When Hashem desired to fill all the dark portions of the world with light, he appeared to the choicest human being ever (Moshe Rabbeinu), who referred to himself as having a serious speech impediment (see Shemot 6:12). A similar phenomenon occurred in a much later generation, to someone who drew close by drinking from the "trusted waters" of the master of prophets, who was "drawn out from the waters." [David] went to defeat the impure *Pliшти* (Goliath), who cursed Hashem and His army, without heavy armor and weapons. The diminutive David said: "I do not have experience with these" when Shaul wanted to give him his battle gear. He took just five stones from the stream basin and put them in his shepherd's pouch. The slingshot and five stones represent the Five Books of Moshe and the first five words of *Shema*, which are brought together by the word "one" (the last word of *Shema*) by the "shepherds" (leaders) who are found in every generation and explain the depths of the one G-d's wisdom and the Torah's light. The modest slingshot and stones do not compare to Goliath's heavy armor, sword, and spear, or his *chutzpa*. Because David came in the name of the G-d of the armies of Israel, whom Goliath had scorned, the stone was embedded in his forehead, and David took Goliath's sword in his hand. This message is appropriate in this generation of *ikveta d'meshicha* (leading up to *Mashiach*), in which the enemies of Hashem scorned the coming of *Mashiach*.

[Applied in summary, it is not necessary for Tzvi Yehuda to learn languages, which are often good tools for influencing others, if he develops spiritual greatness.]



**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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## Withholding Rental Payment due to Problems with Apartment

(based on ruling 80058 of the Eretz Hemdah-Gazit Rabbinical Courts)

**Case:** The plaintiffs (=pl) rented out their apartment to the defendant (=def) from 02.2019 until 01.2020 for 2,400 NIS a month with a rental contract. Def was required to pay *va'ad bayit* payments, which was run by a management company; def did not pay, and pl eventually paid instead. During the year, def made claims of problems with the apartment and pl reduced the rent by 6,000 NIS, allegedly to avoid disputes. At year's end, pl wanted to end the rental (claiming that def often paid late, was difficult to contact, and did not allow workers into the apartment to fix things). They eventually agreed as a *chesed* (the apartment def was to move to was not yet ready) to extend the lease for a month with a new contract, which included an arbitration agreement to go to Eretz Hemdah and large penalties for late payment. Def has not paid rent or *va'ad bayit* for the additional month or any late payment penalties. Pl is suing for payment of rent (2,400 NIS), *va'ad bayit* (200 NIS), and penalties (11,000 NIS for rent and, if possible, 11,000 NIS for *va'ad bayit*). They cannot sue for last year's *va'ad bayit* because it is not included in the arbitration agreement, and def refuses to give *beit din* jurisdiction. Def deflects culpability for lateness during the year and is, in theory, willing to pay for the month's rent, except that he claims to be in the midst of bankruptcy proceedings. Def claims to not be obligated to make penalty payments because pl relinquished rights in return for def's promise not to tell potential renters about problems with the apartment. He also says a mistake in the paragraph about late payments renders it ineffective. He claims not to owe *va'ad bayit*, as others in the building refused to pay because of the bad job the company did.

**Ruling:** In addition to the rent def admits to, def also owes *va'ad bayit*. He did not substantiate his claim of grossly lacking service, nor did he provide any evidence that others withheld payment (pl brought evidence to the contrary). It makes no difference that the contract refers to a *va'ad bayit* of residents and in practice it was done by an external company, as contracts are to be understood in context, not by illogical literal readings.

The claim that pl waived their rights to late payment are unsubstantiated. During the first year, payment was "guaranteed" by checks, which were not given for the extension and were replaced by the pressure of looming penalty payments. In any case, the claim of *mechila* requires a *migo* of another claim (Shach, Choshen Mishpat 75:22), which def lacks.

The claim that the paragraph on late payment is invalid is incorrect. Obvious mistakes in a contract, when the intention is clear, do not invalidate a provision of a contract (Rama, CM 49:2). *Beit din* can allow late-payment penalties because the contract employs a *heter iska*. However, this is to be applied only when the payments are representative of the grievousness of the late payment, and a debt of a few thousand shekels must not turn into one of tens of thousands in a short time. Therefore, *beit din* is setting the late payment for everything owed at an additional 2,100 NIS, which includes estimated waste of def's time and patience.

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