



# HEMDAT YAMIM

## Parashat Hashavua

Tazria Metzora, 1 Iyar 5783

Harav Shaul Israeli zt"l  
Founder and President

**Mila and Tumat Leida**  
Harav Shaul Yisraeli – from Siach Shaul pp. 328-330

There were two stages in the *geula* (liberation) from Egypt – one on the first day of Pesach, when Bnei Yisrael were able to leave, and one at the splitting of the sea, when they no longer had to see the Egyptians again. There must be a reason that it could not happen at one time.

“Had Israel kept two *Shabbatot* properly, they would have immediately had a complete *geula*” (Shabbat 118b). It seems that this refers to two types of Shabbat. One is the weekly remembrance of Creation. The other one is *Yom Tov* (“the day after Shabbat” – Vayikra 23:15, which the *Tzedukim* were not willing to accept as the meaning of the *pasuk*), because it is a Shabbat which is created by the intervention of man, by setting the calendar.

What is the crucial significance of our setting the calendar? While the rule is that “everything is in the hands of Heaven,” the task of sanctifying that which is mundane is man’s. Man is a being of opposites, as he is made from earth combined with a soul from the divine. Whereas an individual has a struggle in dealing with the physical world, that is easier than for a nation, as an individual can put up partitions between him and the rest of the world. An entire nation cannot do so. It must collectively embrace the physical world. Someone needs to plant and harvest and grind ... These time-consuming activities can swallow a person up.

This was the task that was created for Israel when they left Egypt. As an independent nation, they would need to be involved in all elements of their national existence. Bnei Yisrael were to be a nation like all nations ... and unlike all nations. They would sing not just about its struggles but also about its harvest and its first fruit. But the approach to these agricultural elements has to be done according to the input of the Torah, which thereby sanctifies it.

This holiday is the second Shabbat, the one which only Israel, with its combination of flesh and soul, will create; it is not decided in the Heaven, and that is the nature of the day. How does one reach the spiritual content of the day? The special *mitzva* of the first day of Pesach is the eating of the *Korban Pesach*. This is different from other *korbanot*, for which the main part of the *mitzva* is the sprinkling of the blood. There are many fundamental *halachot* concerning the eating, and spiritually it represents the taking of material meat and turning it into something holy. This is how we prepare to celebrate the *geula* from Egypt, not by means of only a physical celebration or of a fully spiritual one, but of a mix that represents national sanctity.

Until the day after this Pesach celebration, it was not possible to take the first harvest of the field properly. It must be done without haughtiness, and only then can one begin to prepare for the giving of the Torah (*sefirat ha’omer* begins, ending with Shavuot). In that way, we do not suffice with a transformation from slavery to freedom but also from *shibud* (“we would still be *meshubadim* to Paroh in Egypt”) to a fuller *geula*. We could have had an independent state in Egyptian form, which is what the people were used to. Only after eating the *Korban Pesach* were we spiritually prepared for a new national life, fundamentally disjoined from Egypt.

### Hemdat Yamim is dedicated to the memory of:

Eretz Hemdah's beloved friends and Members of Eretz Hemdah's Amutah

Rav <b>Shlomo Merzel</b> z"l Iyar 10, 5771	Rav <b>Reuven &amp; Chaya Leah Aberman</b> z"l Tishrei 9, 5776 / Tishrei 20, 5782	Mr. <b>Shmuel &amp; Esther Shemesh</b> z"l Sivan 17 / Av 20	Mr. <b>Moshe Wasserzug</b> z"l Tishrei 20, 5781	Prof. <b>Yisrael Aharoni</b> z"l Kislev 14, 5773
Hemdat Yamim is endowed by Les z"l & Ethel Sutker of Chicago, Illinois, in loving memory of <b>Max and Mary Sutker &amp; Louis and Lillian Klein</b> z"l	R' <b>Yaakov</b> ben Abraham & Aisha and <b>Chana</b> bat Yaish & Simcha <b>Sebbag</b> z"l	R' <b>Eliyahu Carmel</b> z"l Rav Carmel's father Iyar 8, 5776	Mr. <b>Zelig &amp; Mrs. Sara Wengrowsky</b> z"l Tevet 25 5782 Tamuz 10 5774	R' <b>Meir</b> ben Yechezkel Shraga <b>Brachfeld</b> z"l & Mrs. <b>Sara Brachfeld</b> z"l Tevet 16, 5780
Rav <b>Asher &amp; Susan Wasserteil</b> z"l Kislev 9 / Elul 5780	Rav <b>Yisrael Rozen</b> z"l Cheshvan 13, 5778	R' <b>Abraham &amp; Gitta Klein</b> z"l Iyar 18 / Av 4	R' <b>Benzion Grossman</b> z"l Tamuz 23, 5777	
Mrs. <b>Julia Koschitzky</b> z"l Adar II 18, 5782	Rav <b>Moshe Zvi (Milton) Polin</b> z"l Tammuz 19, 5778	Rabbi Dr. <b>Jerry Hochbaum</b> z"l Adar II 17, 5782	In memory of <b>Nina Moinester</b> , z"l <b>Nechama Osna</b> bat <b>Yitzhak Aharon &amp; Doba</b> Av 30, 5781	R' <b>Yitzchak Zev Tarshansky</b> z"l Adar 28, 5781

Mrs. **Leah Meyer** z"l Nisan 27, 5782

Mr. **Shmuel & Rivka Brandman** z"l Tevet 16 5783/ Iyar 8, 5781

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



**Eretz Hemdah**  
Drone: Harav Yosef Carmel, Harav Moshe Ehrenreich  
2 Bruriya St. corner of Rav Chiyah St.  
POB 8178 Jerusalem 91080  
Tel: 972-2-5371485 Fax: 972-2-5379626.  
amutah number 580120780

**American Friends of Eretz Hemdah Institutions**  
c/o Olympian, 8 South Michigan Ave.,  
Ste. 605, Chicago, IL 60603, USA  
Our Taxpayer ID #: 36-4265359

[www.erezhemdah.org](http://www.erezhemdah.org) [info@erezhemdah.org](mailto:info@erezhemdah.org)

Donations are tax deductible according to section 46 of the Israeli tax code

# Ask the Rabbi

by Rav Daniel Mann

## Me'ein Sheva at a Rotating Venue

**Question:** The fledgling community of which I am rabbi does not have access for *Kabbalat Shabbat* to the place we *daven* on Shabbat morning, so we have a rotation of houses for it. Should we say *Me'ein Sheva* (the *beracha* with “*Magen avot...*” in its midst) at *Maariv*?

**Answer:** *Me'ein Sheva* (=MS) is like a shortened *chazarat hashatz*, which *Ma'ariv* during the week does not have. The *gemara* (Shabbat 24b) says to recite it because many *shuls* were in dangerous places; by stretching out the *davening*, latecomers have time to finish before everyone leaves.

Because of MS's unusual nature, it is not surprising that *Rishonim* limit it to circumstances that resemble the original situation. The Ra'avya (see Tur, Orach Chayim 268) says that the danger the *gemara* discussed is no longer prevalent and that we continue doing MS but only when there is a *minyan*. The Rivash (Shut 40) and Beit Yosef (ad loc.) say that it does not apply to makeshift *minyanim*, where it is not as likely for people to come from all over to *daven* and for one to come late. The Shulchan Aruch (OC 268:10) rules that a *minyan* formed in a home where *sheva berachot* or a *shiva* period is held do not to recite MS, as these groups are not expected to have people coming and going late.

What is the line between a set *shul* and a makeshift *minyan*? The Taz (268:8) broadens the definition of a *shul*, saying that a group that leaves home and sets aside a place to *daven* for a few days recites MS. The Eliyahu Rabba (268:19), in bringing this Taz, posits that a *sefer Torah* must also be present, as does the Mishna Berura (268:24), but not all agree (see *Minchat Yitzchak* X:21). The Shulchan Aruch Harav (OC 268:15), in bringing the Taz's expansion, describes it as a place they *daven* for several weeks, which probably means a *minyan* for Shabbat for several weeks (see *Minchat Yitzchak* *ibid.*). In contrast, the Eshel Avraham (Butchach, to OC 268:8) says that to be set based on temporary use, it must be used every day, three *tefillot* a day.

At first glance, your case lacks consensus in favor of MS, as there is no *sefer Torah* and no place is used on consecutive days (or even weeks). Since MS is a *beracha* of Rabbinic origin, the normal rule is to say *safek berachot l'hakel* (=sblk – when in doubt, refrain from making a *beracha*), and several *poskim* invoke this rule (including Eshel Avraham *ibid.*; Pri Megadim on Taz *ibid.*; Mishna Berura 268:25). On the other hand, the Magen Avraham (268:14) says that we do not protest against the practice to recite MS even in a *minyan* that is not in a *shul* of any sort. His source is the Maharlbach (Shut 122), who demonstrates that the *Orchot Chayim*, a *Rishon*, does not limit MS to a *shul* at all. The *kabbalistically* oriented cite the Arizal as seeing MS as a fundamental part of *tefilla*, which does not require a *shul* (see Kaf Hachayim, OC 268:50). Some also claim that we do not say *sblk* against the Arizal, but not all agree (see opinions in Yabia Omer *ibid.*) and not all are *kabbalistically* oriented (see K'nei Bosem II:48).

There is a strong factor in favor of your doing MS. Many, if not all, posit that the venue's main importance is not intrinsic but a sign of how much the group resembles the original institution of MS – of people drawn together from around the community (see sources in *Minchat Yitzchak* *ibid.*). The Tehilla L'Dovid (268:13) posits that if the majority of a community leaves its *shul* to *daven*, for whatever reason, in a different place, they recite MS because the logic applies. The *Minchat Yitzchak* concurs. In your case, wherever you do *Kabbalat Shabbat* is your community's central and only *minyan*. This should be enough reason to do MS when the *shul* *davens* *Maariv* in a home. Once the place is of less importance per se than the *minyan*, it should not make a difference that the venue changes from week to week or that there is no *sefer Torah*.

We saw above further support, if needed. Therefore, we posit that you should recite MS.

### “Behind the Scenes” Zoom shiur

Eretz Hemdah is offering the readership to join in Rabbi Mann's weekly Zoom sessions, analyzing with him the sources and thought process behind past and future responses. Email us at [info@erezhemdah.org](mailto:info@erezhemdah.org) to sign up (free) or for more information on joining the group.

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

▶ [SEND NOW!](#)



# Igrot HaRe'aya - Letters of Rav Kook

## Do We Need New Paths? – #146 (part V)

**Date and Place:** 17 Sivan 5668 (1908), Yafo

**Recipient:** This time we complete the letter to Rav Yitzchak Isaac Halevi, author of Dorot HaRishomin, whose letters we have featured several times.

**Body:** You wrote: “We must be very careful to avoid new paths.” I say with confidence, that you will agree that the historical *sefarim* you wrote greatly helped the situation of Judaism more than the works of several other authors, who wrote classical Talmudic analysis in the old style, even though, compared to classical Torah scholars, you went on new paths. We see the destruction increasing, and there is no escape, not in the Diaspora and not in *Eretz Yisrael*. The *yeshivot* that are full of Torah with sharp analysis and breadth of knowledge in Russia will not be able to withstand the flow of destruction, and all of the toil of the small corrections will prove futile.

Rather we need to provide new paths, which are in truth the oldest paths, which our mentors, the *Rishonim*, followed, especially those who were active in the periods of Jewish history that were more difficult from the spiritual and material perspective. They lit up the path of the nation with the light of their Torah, based on both their brilliance and their righteousness. If these paths were mainly forgotten, we must reestablish them. The first foundation must be in the Holy Land, in the *New Yishuv*, as Hashem has planned that it should be increasingly built. We can be sure that whoever helps, will be one of the first of those who will be called to from the tops of the mountains in the ideal future (see Yerushalmi Shabbat 6:9).

You write of agreeing to “practical information and a general approach to the world and its ways.” This is insufficient for the *yeshivot*, which need to ensure their survival and for providing Israel with light and salvation. Even the elements you refer to cannot be introduced to the existing institutions of the *Old Yishuv*. It can only happen after they have seen the success of the new approach. However, it will not be enough, even though such knowledge is already crucial for an important Torah scholar of our times, so that he not cause a desecration of Hashem’s Name. However, the main thing is the deep broadening of the mindset in Torah study itself in many aspects, just as there is a need, in these dangerous spiritual times, to build walls and fences [to protect the Torah].

Certainly, the lower divisions [of the proposed new *yeshiva* in Yafo] can serve the same functions as the school for teachers. However, it too must be “wet with the dew of life” of the different aspects of Torah. This must include new elements that are very necessary at this time in a manner that complements traditional Torah knowledge, without leaving out anything. The higher level is the *yeshiva* itself. That will include only Torah study; however, it will be Torah studied with all of its richness and glory.

I am just doing what I need to do, as Hashem has sent me to the Holy Land “to provide sustenance” (a take-off on Yosef’s depiction of his arrival in Egypt – Bereishit 45:5). I find it to be a holy obligation to speak according to my inner spirit, on behalf of His great name and on behalf of His nation.

*With this, we complete our presentation of this letter.*



### 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.

[Buy Now](#)



# P'ninat Mishpat

## Who Breached the Contract? – part I

(based on ruling 81087 of the Eretz Hemdah-Gazit Rabbinical Courts)

**Case:** The plaintiff (=pl) owns a chain of eateries, who made a franchise agreement with the defendants (=def) to open a branch in a region in Israel. Def received, among other things, use of the chain's trademarks and experience and pl's commitment to rent a place to open the branch and receive a license. Pl and def were each to own 50% of the branch. Def were to pay 300,000 NIS under a payment plan, including 25,000 NIS to be paid directly and 100,000 NIS put into an escrow account, both soon after signing. The contract stated that any side who would breach the contract would have to pay 150,000 NIS. Def did not make the initial payments. Each side is suing based on the breach of contract clause, pl, because def did not pay, and def, because pl did not rent a place for the branch. [We will deal with various claims in installments.] Def used, both as a claim of pl's alleged breach and as a defense of their alleged breach, the fact that the franchise's trademarks were not registered as pl asserted.

**Ruling:** In the contract's "recitals," it says that the chain has registered trademarks, and all agree that while they have been operating branches for several years with recognizable logos and advertisements, none of these are registered, which def were unaware of. The Maraham Padowa (Shut 44) says that a contract with one objectionable provision does not invalidate the entire contract/agreement, and the Rama (Choshen Mishpat 51:6) rules this way. However, this is not so if other elements of the agreement depend upon that provision.

We need to determine whether def would have entered into the agreement had they known the chain had no registered trademarks, as, if not, the agreement was a *mekach ta'ut*. If there is a societal standard, we follow it (Rambam, Mechira 15:5). When it is less broadly clear, we follow the assumption of the buyer's mindset (ibid. 16:5; Shulchan Aruch, CM 232:27).

From def's lack of interest in finding out about the registered trademarks, it is likely that whether they were registered or not was not a major factor. Rather, the fact that the chain was a known entity was much more important. Customers who recognize the label do not care if it is registered. The chance that competitors will "steal" the trademarks is not great. The "blemish" is also one that can be easily remedied, as pl has recently applied to register the logos the chain uses, in which case we prefer fixing the lacking to undoing the agreement (see ibid. 5). While the Rama (ad loc.) limits this to blemishes that do not change the basic identity of the object (see also Netivot Hamishpat ad loc. 7), in this case, the franchise with its many plusses, is the same franchise even if its logos are not registered.

Therefore, the lack of registered trademarks does not void the sale, although this lack will have some impact to be discussed later.

*We will continue next time with other aspects of the ruling.*

Comments or questions regarding articles can be sent to: [info@erezhemdah.org](mailto:info@erezhemdah.org)

*We daven for a complete and speedy refuah for:*

**Nir Rephael ben Rachel Bracha**  
**Ori Leah bat Chaya Temima**

**Arye Yitzchak ben Geula Miriam**  
**Yerachmiel ben Zlotta Rivka**

**Neta bat Malka**  
**Meira bat Esther**

Together with all *cholei* Yisrael

**Eretz Hemdah** is the premier institution for training young rabbis to take the Israeli Rabbinates' rigorous Yadin Yadin examinations. **Eretz Hemdah**, with its distinctive blend of Religious Zionist philosophy and scholarship combined with community service, ensures that its graduates emerge with the finest training, the noblest motivations resulting in an exceptionally strong connection to Jewish communities worldwide.