



HEMDAT YAMIM

Parashat Hashavua

Eikev 18 Av 5783

Harav Shaul Israeli zt"l
Founder and President

What to Do with Great Successes – More on Spirituality and Materialism

Harav Yosef Carmel

Bnei Yisrael's entry into *Eretz Yisrael* provided them with great advantages but also quite a few spiritual challenges, for which Moshe provided solutions. We presented last week that choosing life entails not chasing after material pleasures; rather, clinging to Hashem ensures real life. Might we say: "We believe, therefore we live!" In the Torah's language, "You who cling to Hashem, your G-d, you are all alive today" (Devarim 4:4). This is the goal.

The sin of bowing down to the Golden Calf epitomizes the opposite outlook. Perhaps for this reason, the second Tablets were in an ark made of wood (ibid. 10:1-4), not one whose inside and outside were gold (see Shemot 25:10-22). (We will not get involved here in the question of how many arks there were.)

In the desert, dependence on the material world was limited. It was the entry into *Eretz Yisrael* and the material success there that raised this as a challenge to relate properly to the physical world. The *pasuk* about the desert says that Hashem gave the people the *manna* as opposed to regular food "in order to teach you that man does not live on bread alone" but on that which Hashem speaks (Devarim 8:3). Regarding *Eretz Yisrael*, the Torah says that the nation was going to a good land of streams, which produces wheat, barley, grapes, ..., in which there will be plenty of food and quarries for important metals (ibid. 7-9).

On the one hand, a life of plenty has a spiritual advantage, in that there is much to thank Hashem for when we eat the food of the Land (ibid. 10). On the other hand, the Torah warns that when one is successful in having nice houses, plentiful livestock, and an accumulation of precious metals, his ego may become inflated, and he may think that he alone is responsible for his own success (ibid. 12-18). It is critical for him to remember that it is Hashem who gave him the ability to receive all of those blessings.

The same issue pertains to military activity. Moshe foretold that Hashem would help Bnei Yisrael conquer great cities and powerful giants (ibid. 9:3). On the other hand, the Torah warns not to think that it is out of our righteousness that we succeeded in these conquests, but rather due to Hashem's promise to us (ibid. 4-6).

After 3,500 years since the original entry into the Land, we have merited to return to *Eretz Yisrael* and establish an independent state that has registered many successes in the physical world. Our population enjoys a high standard of living and one of the world's highest life expectancies. We are the epitome of scientific success and technological innovation.

Let us remind ourselves: the main thing is the spirituality, clinging to the Divine Presence. We did not succeed in order to sink into materialism. Our military power is reason to thank Hashem, which should be a goal in and of itself. We would like to be fully deserving of such success, based on our spiritual accomplishments, but the path is still long until we get there. Let us pray that we will succeed in the many important tasks before us.

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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

May Panim Chadashot Leave Sheva Berachot Early?

Question: Do *panim chadashot* have to stay until *Birkat Hamazon*?

Answer: One of the basic *chakirot* (analytical dilemmas) about *panim chadshot* (=p_{ch}) is at the heart of your question – what does *p_{ch}* provide that enables the recitation of all of the *sheva berachot* (=sb), not just *Asher Bara* (Ketubot 8a)?

Tosafot (Ketubot 7b) and the Rosh (Ketubot 1:13) posit that the reason *p_{ch}* enables *sb* is that his presence increases the festivity (regarding food and/or mood). The Rambam (Berachot 2:10) posits that we say *sb* after the wedding only if someone is present who did not hear the *berachot* made before. Apparently, we want more people blessing the couple (Aruch Hashulchan, Even Haezer 62:24), and Hashem for creating and maintaining good in the world, including through marriage.

Your question likely depends on these approaches. If *p_{ch}* needs to provide enough festivity to justify *sb*, then once he took part in the meal, why must he remain for the *berachot* (when a *minyán* remains)? If the point of the *p_{ch}* is for him to be involved in the *berachot*, obviously he must be there then (*Birkat Hamazon* will also not suffice).

How do we *pasken*? Other apparent applications of the *chakira* give **some** indication. Tosafot and the Rosh (ibid.) rule that on Shabbat, the impact of Shabbat is a replacement for *p_{ch}*. We accept this at least regarding the two main meals (Shulchan Aruch and Rama, EH 62:8). This makes a lot of sense according to the festivity approach; Shabbat raises the *sb* party's specialness as much as *p_{ch}* do. According to the Rambam's reason, Shabbat has nothing to do with reciting the *berachot* for one who has not yet been involved (Otzar Haposkim 62:41). Thus, we seem to *pasken* like Tosafot.

Another related question is whether the *p_{ch}* needs to eat with the others. The Rambam should not require it. According to Tosafot, it makes sense that *p_{ch}*'s influence on the festivity requires significant participation (ibid.). The Rama (ibid. 7), who does not require them to eat, can thus be seen as accepting the Rambam's approach (Maharitzatz I:71), whereas many are *machmir* that they should eat (see China V'chisda to Ketubot 7b; Hanisuin K'hilchatam 14:66). It is possible to take Tosafot's approach but say that even without eating, *p_{ch}* enhances the atmosphere (see Ran, Ketubot 2b, Beit Shmuel 62:10). The question of how prominent/connected the *p_{ch}* needs to be also seems to hinge on the point of increasing festivity (see Otzar Haposkim 62:40). Here there are significant opinions in either direction. The Shulchan Aruch (ibid. 8) requires people for whom we would add food; the *minhag* to not distinguish who the people are and why they were invited (see Nitei Gavriel ibid. 87:1) likely depends to a great degree on the concept of *lo plug* and our reluctance and difficulty in judging people's stature.

In any case, the more accepted approach is that of Tosafot, and therefore we would expect that it would not be necessary for the *p_{ch}* to be present at *bentching/sb*. Nevertheless, Rav Shlomo Kluger (Ha'elef Lecha Shlomo, EH 107) and the contemporary *sefarim* on the topic (Sova Semachot 1:12; Hanisuin K'hilchatam 14:67; Nitei Gavriel 86:2) do not allow making *sb* after the *p_{ch}* has left. Some base it on the language of the Ran, who **seems** to indicate it (Sova Semachot ibid.). It could be because we do not want to make a *beracha* when someone as great as the Rambam would oppose it (see Nitei Gavriel ibid.(5)). Possibly the festivity approach also requires the *p_{ch}* who create the required festivity to be connected to the *berachot* (this may relate to *poskim's* requirement that *p_{ch}* are capable to make the *berachot* – beyond our scope).

Therefore, we urge having the *p_{ch}* at the *sb* and cannot recommend making them without him. However, the considerable halachic logic to allow it can justify not making a scene by stopping others who are making *sb* after the *p_{ch}* left. The best solution is to bring in a replacement *p_{ch}*; even if he is there just for the *berachot*, the situation still fulfills the basic requirements of both the Tosafot and Rambam approaches.

“Behind the Scenes” Zoom shiur

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Igrot HaRe'aya - Letters of Rav Kook

Appeal to Buy from Religious Winery – #160 – part I

Date and Place: Yafo, 5668 (probably still 1907)

Recipient: Rabbis in the Diaspora

Body: The “practical” settlement of Jews in the Holy Land has been increasing for decades. Before that, the entire foundation of our brethren in the desolate Holy Land was supported by the donations of Hashem’s nation, for whom the memory of Zion and Jerusalem is engraved on the plate of their hearts. They sent their donations to support those who lived before Hashem, who were always living in sanctity in the Holy Land. These inhabitants included influential rabbis, the greatest scholars and the truly righteous, holy and pure, fearsome like angels. There were also people who were involved in Torah study, fine Torah scholars, everyone according to his level, along with other simple, poor people. But all of them lived as one in a sanctity of trust in Hashem, with their hearts and their hands dedicated to Hashem. They raised their voices in praise and prayer to Hashem on behalf of their brethren in the Diaspora who were connected to them and through them to the sanctity of one who lives in the Holy Land, the home of our religious/national life.

In recent times, Hashem arranged that there be a new spirit from the midst of the Land. Affection for Zion and love of the Holy Land, which had been cushioned in sanctity and purity, took hold also in a mundane manner by hands-on people who started to involve themselves in its rebuilding. Through this [Zionist] movement, which is well-known to most of our compatriots, many new inhabitants have flocked to the Land from the dispersion of the Exile. Agricultural settlements and towns have been settled in the Holy Land; farmers and those involved in every possible practical profession have increased. While there always were and are inhabitants of the Land who were laborers who needed and those who still need support from donations, the main basis for their sustenance is their own efforts, as those who love the Land and want to rebuild it to support themselves.

[As one example,] there have been great efforts to produce and sell wine, which is the top source of livelihood of the broad Jewish community of *Eretz Yisrael*, along with other crops of the Land, which is giving of its fruit, while it is still in its [overall] state of desolation and destruction.

In this new settlement of the Land, and the energetic efforts to grow and expand it, it would be proper that a major part of the leadership would be the greatest people in the nation – the holy, righteous men, the shepherds of flock in the light of their sanctity and righteousness, and the giants of Jacob for whose holy words all of Israel wait. It should have been that these projects would have attracted support from the entire nation, especially the sale of wine, which is presently the most important enterprise [in the practical building]. All the members of the nation, throughout the Diaspora, should have enlisted to buy only the good wine of the Holy Land, which is being cultivated by its sons, who have come to it from all over the world.

Unfortunately, our heart’s desire has not come about. Many rich, G-d-fearing people in our nation could be receiving merit by helping build the Land if they were careful to use only wine from *Eretz Yisrael*. They could have been responsible for the development of *Eretz Yisrael* and the founding of additional vineyards and farming villages, thereby increasing the number of Jews in the Land. Unfortunately, many are not doing so. Rather, they are pulling their hands away from this wine, which, thank G-d, is also increasingly of high quality, to the extent that we are very proud of it.

We continue next time with Rav Kook’s explanation of the phenomenon and his remedy for the situation.



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

Contractors Fixing their Damages

(based on ruling 82015 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The defendant (=def) hired the plaintiff (=pl) to do specific renovations on his apartment. A subsequent list of work to do was added on later. Pl did much of the work and was only paid part of the money; he now demands further payment. Def claims that some of the charges contradict what pl said previously and that pl did some work improperly and caused damages during the work; altogether these deductions exceed what def might have owed. Def presented an itemized report by another contractor (=seccon) to corroborate his claims. [Most of the ruling deals with technical details regarding pricing. Our main focus is on concepts concerning the possibility of a contractor fixing blemishes in his work.]

Ruling: Seccon's pricing is much higher than pl's, which apparently indicates that they represent different levels of professional standards; def hired pl according to his prices and standards. Also, the objectivity of a professional hired by a litigant is always suspect. Therefore, we will neither base our rulings on seccon's report nor require pl to take responsibility for minor aesthetic imperfections.

The Rama (Choshen Mishpat 306:8), regarding mistakes in the writing of a *sefer Torah*, posits that a worker is responsible for the type of mistakes that professionals of his type should not make, but that the *sofer* has the right to fix them. He also posits that if the worker fixed blemishes that professionals of his type are not responsible to fix, the employer must pay him for them. On the other hand, the Aruch Hashulchan (CM 306:15) rules that the employer can hire someone else to do the fixing if he does not trust the worker. The Pitchei Choshen (Sechirut 13:(41)) agrees with the Aruch Hashulchan, even if the new worker's fee to be subtracted from the worker's pay is higher than the original worker's. In Eretz Hemdah-Gazit ruling 74005, *beit din* ruled that one can apply the Aruch Hashulchan only when there are verifiable grounds for not trusting the worker. Otherwise, hiring someone else to do the fixing is breach of contract, and the employer is in the weaker position (see Shulchan Aruch and Rama, CM 333:4). In this case, though, def had asked pl to fix certain clear flaws, and pl did not fix them properly. Therefore, def was justified in bringing someone else to fix it, and the cost can be deducted from pl's fee.

Regarding damages pl caused, pl had the status of a *shomer sachar* (a paid watchman), who is obligated for damages, even if they were not based on outright negligence, as long as the damage was not beyond his control (Shulchan Aruch, CM 306:1). It is not a simple question whether the obligation is on the contractor or on his workers who did the damage. Pl was willing to take responsibility as far as fixing the damages, and in general, contractors are seen as the address for all such matters, since they choose the workers and deal with the employer. When it is possible and normal to fix the problem (as opposed to accepting the flaw as a *fait accompli*), the price of fixing is subtracted from the fee due the worker (Shach, CM 387:1).

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