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HEMDAT YAMIM

חֵמְדָּה יָמִימִים

Parashat Hashavua

Tetzaveh, 16 Adar I 5784

The King's Horse and Chariot

Harav Yosef Carmel

The *Mishkan*, about whose construction we learn this week, is not a physically impressive structure, but it is very spiritually impressive. It allows one to reach great spiritual peaks. The *Mishkan* served as the base for the Divine Presence's dwelling within *Am Yisrael*, as the Torah writes explicitly: "They shall make for Me a sanctuary, and I shall dwell among them" (Shemot 25:8). It is also alluded to twice in our *parasha* (ibid. 29:45-46).

The fire that was lit on the top of the *menora* (candelabrum) was a testament to the Divine Presence. However, the revelation occurred between the two *keruvim* (cherubim) on the ark of the covenant in the Holy of Holies, where normally no man may go.

Keruv and **rochev** (ride) share letters, and both hint at the Chariot upon which Hashem figuratively/spiritually "rides." The Rider of the Chariot is One Who can never be seen. In fact, only the very choicest of the spiritual can see even a vision of the Chariot, and it is strictly forbidden for one who is not on the appropriate, lofty spiritual level to delve into the topic (Chagiga 2:1). In honor of Purim Katan, with the idea of the hidden (*hester*) on our mind, we will carefully take a small peek.

A chariot that is not tied to a horse is not a functional chariot. In the Purim story, the turning point comes when Achashverosh commanded Haman to lead Mordechai around on the king's horse. Riding on a royal horse or chariot was always a way of showing the greatest esteem. This was behind Paroh's honoring Yosef with a special chariot (Bereishit 41:43) and Hashem's sending a Heavenly chariot and horses of fire to bring Eliyahu up to the Heavens (Melachim II, 2:11).

A flesh and blood Jewish king is commanded to not have too many horses for his chariots, whereas Hashem has special chariots and horses of fire as we will see from another section of Melachim II. The King of Aram tried to seize the prophet Elisha, sending a delegation of troops with cavalry and chariots to capture him in Dotan. Elisha's assistant panicked, and Elisha prayed to Hashem to show the assistant a vision of the Chariot. When the assistant opened his eyes, he saw the mountain full of horses and chariots of fire to help Elisha (Melachim II, 6:16-17).

In *Tanach* we find mention of a vision of the Chariot in which angels of fire appear. One was Yeshayahu's first prophecy (Yeshayahu 6:1-2). Yechezkel also saw the "Holy Beasts" (Yechezkel 1:5) and another time, he saw *keruvim* (ibid. 10:5). Other prophets saw chariots and horses (Zecharia 6:2).

The *midrash* tells us that mention of the king in Megillat Esther can refer simultaneously to the human king and hint at the King of the World (Esther Rabba 3:10). We can suggest that the horse Mordechai rode had elements of being "Hashem's horse." Then, Mordechai experienced something similar to what Eliyahu experienced – to ride a spiritual chariot, go the inner sanctums, and see a vision of *keruvim*.

On Purim, people dress in disguise; even Hashem and His horses do so. Esther, as well, had to go to an inner sanctum in an officially forbidden manner. To the extent we will follow her instructions to "go and gather all of the Jews" (Esther 4:16) we will debunk the accusation of being a "scattered nation" (ibid. 3:8). When we act as a united nation, with brotherly love, it is our enemies, not we, who must worry.

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Ask the Rabbi

by Rav Daniel Mann

Peeling an Egg with Writing on it on Shabbat

Question: Is it permissible for one to peel a hard-boiled egg on Shabbat if the shell has letters and/or numbers stamped on the side of the shell?

Answer: Before seeing what the *poskim* have to say, let us analyze the involved issues.

The potential *melacha* involved is *mochek* (erasing) of the letters/numbers. In all standard cases, there is no possibility of a Torah prohibition, which exists only when one erases in order to write two letters in the erased area (Shabbat 73a; Rambam, Shabbat 11:9). However, it is forbidden Rabbinically to erase even if the area will not be used at all (see Rama, Orach Chayim 340:3 and Mishna Berura ad loc.).

If one does a fundamentally permitted action, which may or may not, unintentionally, include an act of Shabbat violation, this is called a *davar she'eino mitkaven* (= *dshm*) and is permitted (Shulchan Aruch, OC 337:1). If it is certain that the action will unintentionally include a Shabbat violation, it is called a *p'sik reishei* (= *psr*), and it is potentially a Torah-level violation (Shabbat 103a). If the resulting Torah violation is of no benefit for him (*lo nichei lei*), it is forbidden only Rabbinically, even if its occurrence is definite (see *ibid.*). When the violation is only Rabbinic when done intentionally, then when it is *lo nichei*, some say it is permitted (see Yabia Omer V, OC 28). On the other, we generally assume it is still forbidden (Mishna Berura 314:11; see Living the Halachic Process VI, C-15).

Rav Chaim Palagi seems to be the first one to discuss our case. In Lev Chaim (II, OC 178) he says that one who cracked an egg in a place where there was no writing and tried to remove the egg without breaking the writing is fine even though the letters could be cut, because of *dshm*. In another place (Kaf Hachayim 31:115), Rav Palagi says not to write on the eggs because it can cause violations. Citing him, some *Acharonim* (Petach Hadevir 340:4; Kaf Hachayim (Sofer), OC 340:34) write that it is forbidden to peel an egg with writing, which is a stringent formulation. K'tzot Hashulchan, vol. III, p. 154 has a milder formulation, based on the same source – one may peel the egg but do it with care not to break the writing. This takes away the *psr* and then even if he was unsuccessful and letters were severed, *dshm* removes any violation. Shemirat Shabbat K'hilchata (11:10) and Orchot Shabbat (15:44) similarly say that it is permitted with care.

It is likely that even the moderate formulation is a stringency, and also might not apply to all cases. It is unclear to me (based on experience/experimentation) whether for someone who peels without regard to the writing, there is always a *psr* of breaking letters. It likely depends on the size of the writing, whether the egg's preparation will allow it to peel off in big pieces, and the peeler's proficiency. If it is not a *psr*, it should be permitted without precaution!

Perhaps the *poskim* assumed it was a *psr* because their writing was larger than ours. But it is also possible that they were troubled that if one takes no notice of the writing, he might hold the egg in a way that he will definitely crack the letters, which can make it equivalent to a *p'sik reishei*, which might be worse when it is easy to obviate the problem (see however Mishna Berura 337:4). We may find precedent for this in the requirement to be careful when cutting cake with writing (see Rama, OC 340:4; the Mishna Berura 340:17 calls it a *psr*).

Another potential situation of leniency is the status of the writing. Often the ink smudges significantly during the cooking, so that there may not be halachic writing to be concerned about when peeling. This will vary depending on the ink used and the amount of cooking, and it is difficult to say anything conclusive. (The ink on many eggs, at least in Israel, come off totally during the boiling, which makes the question moot.)

We believe that it is both proper (despite some logic for greater leniency) and sufficient to be **somewhat careful** to try to avoid breaking the letters when cracking and peeling the eggs.

“Behind the Scenes” Zoom shiur

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



Igrot HaRe'aya - Letters of Rav Kook

The Need to Sell the Land before *Shemitta* – #189 – part II

Date and Place: 17 Shevat 5669 (1909), Yafo

Recipient: Rav Yaakov Dovid Wilovsky, known as the Ridbaz. The Ridbaz was a leading Torah scholar, who had served as a rabbi in several communities in Eastern Europe and then in Chicago. In 1905, he moved to *Eretz Yisrael* and founded a *yeshiva* in Tzfat. An author of many Talmudic works, his most famous halachic stand was against the *heter mechira*, the temporary sale of land in *Eretz Yisrael* in an attempt to obviate the restrictions of *Shemitta* (the Sabbatical year).

Body: [Last time, we saw Rav Kook's explanation for why there was an acute need to perform the *heter mechira* once again.]


On the heart of the matter (the halachic logic), I will tell you my humble opinion. This is indeed not the first ruling where a broad segment of society relies in its time of need on a minority of opinions or even a single opinion. Some examples are: new grain, abrasions in an animal's lungs, and the ability to construct *eruv* based on the assumption that there are not in our times public domains on the level of Torah law. Therefore, it is not farfetched in our days to rely on those who are lenient to say that it is permitted for a Jew to work the field that is owned by a non-Jew, that the sanctity of *Shemitta* is removed from the land, and that the selling for a limited time is valid in cases of need, as there are [established rulings] about renting out land.

The main thing that causes pain to our heart is that in certainty, the *mitzva* of *Shemitta* is being uprooted and not fulfilled. This is what happened [regarding the forgiveness of loans, which is one element of the laws of *Shemitta*] by means of the *pruzbol* (a document that enables creditors to demand payment for loans that normally would be cancelled by *Shemitta*). This halachic device did not create a new Torah-level law, and the [regrettable element of the need for its use] is that we do not want people to learn to obviate *mitzvot* (see Tosafot, Gittin 36a). So too here, what is upsetting is that we need to teach the nation to uproot the *mitzva* of *Shemitta*. After all, our ongoing obligation is to maintain that which is unique in our nation and teach our people to obligate themselves in *mitzvot*, including those for which one can find an exemption, like *tzitzit* and tithes, which are not required if one brought the produce into the house abnormally.

Therefore, I am ready to stand by your side and work together, including by going on long journeys, e.g., to Paris or similar places. Maybe Hashem will have mercy on us so that we may secure at least significant help for a large portion of our dear brothers, who desire with all their hearts and souls to fulfill the *mitzva* without any uprooting. If we will succeed in that which Hashem desires, this would greatly sanctify Hashem's Name with His powerful help. This would strengthen the position of those who fear Hashem and obey His commands.

We just must do everything with peace, honor, and love, for His blessed name, for the Holy Land, and for those who inhabit it and work its land. It cannot be done with threats, strange warnings, screaming, and quarreling. Rather, we simply need to say that the *heter mechira* is necessary due to extremely great need, but that even under pressing circumstances, it obviates a *mitzva*. The dear and holy *mitzva*, which we merited to have the opportunity to fulfill in the Holy Land, with Hashem's help, after a long and bitter exile, would be missing for us. Therefore, we want to help many people be obligated in it and fulfill it without any questions.

By taking the small initiative in this matter, we will be able to trust in Hashem, Who had His presence dwell on His holy mountain. May this awaken a lofty blessing, and cause the openings of redemption and salvation for the Holy Land and Hashem's nation, who are waiting for His salvation. May the End of Days draw close and reveal the bearer of tidings of peace, as this upcoming *Shemitta* year concludes. "The time for His mercy has already come." I await your response at the earliest possible time.



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

How to Take Payment from A Guarantor – part II

(based on ruling 83023 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The plaintiff (=pl) lent 110,000 NIS to the borrower (=brw) for his business. Brw was to return it after a month with 10% interest. The defendant (=def) signed as an arev (guarantor). Many months have gone by without payment, and brw has filed for bankruptcy. Pl demands that def pay, but def says he did not understand the loan agreement and that, anyway, he does not have enough money to pay and can only make small monthly payments. Pl wants def to borrow money to pay at one time, as def assured pl, before the loan, he could do.

Ruling: [We saw last time that the arvut agreement is binding and operative. We are in the midst of a discussion on whether, considering def's assurance that he could borrow money to pay, he can be forced to do so.]

Kovetz Hayashar V'hatov (XVII, p. 123) claims that nowadays, it is common for debtors to borrow large sums from *gemachim*, and if a borrower did not expect to have money to pay back when due, we consider his promise to borrow in order to pay binding. In this case, def promised to borrow money, which likely is equivalent to a promise to work. The Perisha (Choshen Mishpat 99) says that a promise to work in order to pay, must fulfill the requirements to overcome issues of *asmachta* (a promise that we have reason to believe one did not envision having to follow through on). The promise in the *ketuba* that a husband will work to support his wife may be stronger because all men are required to obligate themselves.

However, the Rama (CM 129:8) says that an obligation that would be an *asmachta* for a borrower is binding for an *arev*. The logic is that the whole institution of *arvut* is an *asmachta* (the *arev* presumed the borrower would pay), and the same logic that overcomes that (see Bava Batra 173b), overcomes other elements of *asmachta*. On the other hand, the Bach and Shach (129:20) posit that when the *arev* does not make a special act of obligation, he has the same ability to claim *asmachta* in non-standard cases that a borrower has. Therefore, the minority opinion is that def cannot be obligated to take a loan.

According to the majority opinion, one must distinguish between forcing someone to work, in which case *beit din* would be taking away his freedom to spend his time as he decides, and the obligation to take a loan. Since def is expected to soon have earning ability, and loans are available for people like him, this is a reasonable self-obligation, which def should be held to.

The minority opinion agrees that def can be instructed to pay the full sum immediately. Since *beit din* does not have the ability to determine whether one has resources from which to pay, and since the oath that one who claims he cannot pay is no longer administered, we allow pl to turn to *Hotza'ah Lapo'al* to try to obtain payment from def. It likely behooves def to borrow money in order to avoid this difficult process, so that practically all the *dayanim* agree that the proper path for def is to borrow the money and pay.

The matter we have not summarized is the abuse of the heter iska and its impact on the amount due.

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