



HaRav Shaul Israeli zt"l
Founder and President

HEMDAT YAMIM

חֶמְדַּת יָמִים

Parashat HaShavua

Metzora, 8 Nissan 5776

Many Ask the Wrong Question

Harav Yosef Carmel

Sefer Vayikra is full of discussion of *korbanot*, both public and private. Many explain that the special status of *Shabbat Hagadol* has to do with Bnei Yisrael's preparations for the *Korban Pesach*, which they brought in Egypt right before their liberation came to fruition.

One of the biggest questions in the analysis of the *Chumash* is whether the *mitzvot* of the *Mishkan* and the *korbanot* came about as a result of the *Chet Haegel* or whether they were always intended to be part and parcel of our religious lives. However, everyone agrees that the *Korban Pesach* was always central to our nation's religious life. *Korban Pesach* and *brit mila* are the two *mitzvot* upon which, says the *midrash* (*Shemot Rabba*, Bo 17), liberation relied. The *navi's* metaphorical description of Bnei Yisrael's emergence as worthy for liberation states, "And I said to you: 'In your blood shall you live.' And I said to you: 'In your blood shall you live'" (*Yechezkel* 16:6). The *midrash* says that this refers to the blood of *Korban Pesach* and of *brit mila*.

Korban Pesach is unique in that it is the only *korban* brought by the individual (albeit, many individuals) that is not offered as a result of a specific event that occurred to him, whether positive or negative. We note also that *Korban Pesach* and *brit mila* are the only two positive commandments for which one who does not fulfill it is due the severe punishment of *karet*.

Let us look at the question of the "wicked son" about *Korban Pesach*: "And it shall be, should your sons say to you: 'What is this service to you?' And you shall say: 'It is the Pesach feast to Hashem who passed over the houses of Bnei Yisrael ...'" (*Shemot* 12:26-27). We have explained elsewhere that this question casts aspersions on the concept of renewing the covenant with Hashem. Jewish parents renew the covenant when they accept to raise their child as a member of the covenantal nation from the time of his *brit* on the eighth day of his life. The child accepts his own responsibility to Hashem when he becomes *bar mitzva*, becoming a servant to Hashem and a free man in relation to people. The wicked son, who questions this process, removes himself from the collective of people who willingly enter the covenant.

The Torah refers to the three other sons (with their questions or that which they are told), using singular, whereas for the wicked son, plural is used. What is the significance of this difference?

Etrogs (which represent the religious elite) tend to separate themselves from the other "species" in society. Understand their motivation – they want to protect their level and that of those closest to them from bad influences. They do it for a noble cause, to make sure that there will remain a high spiritual level within the nation.

At the *seder* night they receive the hint that it is time to "recalculate route." The great majority of our nation are not *etrogs*, and *Korban Pesach* does not interest the *aravot* (the lowest on the religious totem pole), who correlate to the wicked son. There are many such people, says the Torah. The Rabbis exhort us not to break the connection with this part of the nation. Rather, we must continue to invite them to our table, hear what is on their mind, and relate the Pesach story to them on some level. Let us remember, in our times, to unite with all the sections of our nation, even as we do not hide that there are real differences between us.

Refuah Sheleymah to Orit bat Miriam

Hemdah Yamim is dedicated to the memory of:

Hemdah Yamim is
endowed by
Les & Ethel Sutker of
Chicago, Illinois, in loving
memory of **Max and
Mary Sutker & Louis
and Lillian Klein, z"l**

**R' Meir
ben
Yechezkel
Shraga
Brachfeld
o.b.m**

Gershon (George) ben Chayim HaCohen Kaplan

**R' Yaakov
ben Abraham
& Aisha
and
Chana bat
Yaish & Simcha
Sebbag, z"l**

Mrs.
Sara Wengrowsky
bat R' Moshe Zev a"n,
who passed away
on
10 Tamuz, 5774

Rabbi
Reuven Aberman zt"l
Eretz Hemdah's beloved
friend and Member of
Eretz Hemdah's Amutah
who passed away
on 9 Tishrei, 5776



Eretz Hemdah

Deans: Harav Yosef Carmel, Harav Moshe Ehrenreich
2 Bruriya St. corner of Rav Chiya 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

Ask the Rabbi

by Rav Daniel Mann

Working at a Bakery on *Chol Hamoed Pesach*

Question: I am the only religious Jewish worker at a bakery owned by non-Jews that has a *hashgacha* during the year but not for Pesach. I believe that if I take off for *Chol Hamoed*, they will fire me. May I work then?

Answer: Concerning work on *Chol Hamoed* per se (e.g., Sukkot), one of the broad leniencies is *davar ha'aved* (significant loss) (Shulchan Aruch, Orach Chayim 537:1). Therefore, you may go to work if the alternative is losing your job (Shemirat Shabbat K'hilchata 67:11).


Working with *chametz* on Pesach, though, raises serious problems. In one of our columns (B'ha'alotcha 5775; please read it), we discussed parameters for working with non-kosher food in various capacities. We dealt with various opinions on a few issues: the possibility the worker will eat the non-kosher food, commerce in non-kosher food, and sometimes *lifnei iver* (facilitating an *aveira*). According to our analysis, we would rarely condone holding a job such as waiter at a non-kosher restaurant, for a combination of reasons. While there are differences between the cases in different directions, working directly with *chametz* on Pesach has obstacles that are even harder to overcome.

First, the level of concern about eating *chametz* is more severe than for other forbidden foods. The Rama (OC 450:6, based on the Rivash 401) forbids buying *chametz* for a non-Jew on Pesach, which we do not find for most non-kosher foods. One of the reasons is the concern the Jewish buyer might come to eat it (Rivash; Mishna Berura 450:21). This is in line with the halacha that one who is watching a non-Jew's *chametz* in his house (without accepting monetary responsibility) must make a partition in front of it, which, again, we do not find everywhere (Pesachim 6a; Mishna Berura 440:13). It is certainly, then, forbidden to work with ongoing direct physical contact with *chametz* on Pesach (see also Yabia Omer IV, YD 6).

There is another reason to forbid work dealing with *chametz*. It is forbidden not only to eat but also to benefit from *chametz* (Pesachim 21a). The most direct applications of this prohibition are direct physical benefit and selling *chametz*. However, there are much broader applications of benefit, which are placed under the name of *rotzeh b'kiyumo* (one wants the forbidden object to exist). The Talmudic sources (see Avoda Zara 63b) discuss *rotzeh b'kiyumo* mainly, but not only, in the context of *yayin nesech* (strictly forbidden wine), and almost all *Rishonim* and *poskim* say it also applies to *chametz*. See many examples in Orach Chayim 450, including ones with indirect and minor interest in the *chametz*. For example, the Magen Avraham (450:10) explains that the aforementioned Rama about buying *chametz* for a non-Jew as being forbidden also because of *rotzeh b'kiyumo*.

Is it *rotzeh b'kiyumo* if you forgo pay for your work on Pesach, and thus ostensibly do not benefit? Regarding *yayin nesech*, this does not help, as one may not even watch *yayin nesech* for free and without responsibility to pay for loss because a watchman feels bad if he does not do his job well (Shulchan Aruch, Yoreh Deah 133:6). *Acharonim* disagree to whether one can be in a situation in which he suffers when *chametz* is lost but does not gain positively from its presence. Some forbid this only for *yayin nesech*, assuming that it is more stringent than *chametz* in these areas (see Makor Chayim 450:7). Distinctions are made to reconcile apparent contradictions on the matter. According to a particularly pertinent distinction, one may not do an action of interaction with the *chametz* on Pesach (Maharam Shick, OC 225). In your case, almost all opinions will consider your work forbidden due to *rotzeh b'kiyumon*, as you would be actively working with *chametz*. Even if you artificially relinquish the pay you are due, your right to continued employment and future pay as a result is a benefit of your agreement to work with the *chametz*.

Therefore, we believe you are forbidden to work with the non-Jews' *chametz* on Pesach, both because of the possibility of eating and/or because of the semi-direct benefit.



We are happy to present our third volume of "**Living the Halachic Process**". The book offers a compilation of questions and answers from our "Ask the Rabbi" project. A companion CD containing source sheets for the questions is also available. The volumes can be purchased through our office at the special rate of \$24. Special offer: buy two out of three for \$37 or, buy all three volumes for \$54

Legendary Villain? Say, “No!”

(condensed from Ein Ayah, Shabbat 2:176)

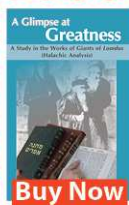
Gemara: Ulla expounded: That which it says, “Do not be evil very much ...” (Kohelet 7:17), doesn’t that imply that it is only very much that one should not be evil, but he may be evil a little bit. Rather, [it is related to the idea] that one who ate garlic and his breath smells, should he once again eat garlic and have his breath smell [worse]?

Ein Ayah: The fact that evil exists at all is certainly part of the whole picture of the existence of the world. Just as there is nothing in the world which is not based on human choice that is only bad, so too even the evil that man chooses to do is not only bad. Rather, in the whole scheme of the world, there is a need for there to be people who chose to do bad things just as there is obviously a need for people who choose good things. This is the meaning behind *Chaza'l*’s statement: “Just as the praise of Hashem emanates from the righteous so does it emanate from the wicked” (Shemot Rabba 7:4).

The big difference between the place of the righteous and the wicked is in the people’s own place within existence. The one who does good is fortunate enough to be among those on a high level. He who chooses to do evil is among the despised, as the *pasuk* says: “Woe is the wicked man, for he will have retribution for his actions taken against him” (Yeshaya 3:11). There will be a clear correlation between the standing of his actions and the treatment he receives. There is a net that is spread out before one who falls into evil behavior. His good side is disappointed that he is not counted among the good people because of the evil he has already perpetrated. Everyone has a desire in his soul to do great things, a trait that Hashem created so that people will provide ever more kindness in the world. One who sees that he is anyway not going to be great in a positive manner may feel the call to follow his evil inclination and be great in a negative manner. He might be attracted to being a major sinner, so that he can have great influence in some way. This approach is a destructive fire that has consumed some people with great talents who fell into the trap of evil. First they started with small sins, after which they reasoned that they were so far from the community of the righteous, that they might as well increase the scope of their activity in the area in which they find themselves, which is evil. They deteriorated and caused deterioration in others until the point that they came to think that there is no difference for he who is not righteous between doing a little evil and doing a lot of it. He figured that once he is prominent in his wickedness, he will never embrace anything noble but will continue to increase in evil.

In truth, one should never say that his place is now set with the wicked. The deeper he falls into the mud of evil the longer it will take him to drag himself out and the more painful a cleansing he will need to purify himself. He should also realize that increasing evil will only make him dirtier and will not turn him into some “great villain.” There is no such thing! Rather he is like one who ate garlic and continues to eat garlic, who will have the same smell, just that it will become more pronounced. As far as what has to happen in the world, fortunate people merit taking part in good things, and those who are not deserving become involved in that which is unfortunate in the world. The greater the filth the more unfortunate the person is.

Hemdat Yamim is dedicated in memory of
the fallen in the war, protecting our homeland.
 May Hashem revenge their blood!



NEW BOOK!!

A Glimpse at Greatness

A Study in the Works of Giants of Lomdus (Halachic Analysis).
 Including Short Biographies of the Featured Authors
 and "An Introduction to Lomdus"

by Rabbi Daniel Mann, Dayan at Beit Din "Eretz Hemdah - Gazit"

Deception Regarding the Previous Owner of a Second-Hand Car

(based on ruling 74113 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The plaintiff (=pl) bought an already second-hand car from the defendants (=def) for 54,500 shekels – 1,100 shekels less than the *mechiron* (buyer's guide) suggests for such a car. Pl asked whether the first owner was a private owner or a company (the latter lowers the suggested price by at least 10% because drivers of a company car take worse care of it). Def said that it was privately owned but did not present documentation to prove it. A couple months after buying it, pl found the sticker of a leasing company hidden in the trunk and, after visiting the Department of Motor Vehicles, learned that it had been owned by a company. He demands a return of 5,560, (10% off the *mechiron* price). Def say that his company's car officer found him the car but that he did not realize that it had been owned by the company. Also, the car was recently inspected and was in perfect shape, and they would not have agreed to sell it for less even if they had known it had been company owned. If pl wants, def will take the car back, as long as pl pays rent for the months he used it. Also, since pl did not bother finding out from the DMV who the previous owner was, we see he did not care who it was. Finally, def already gave a discount and told pl that he should, therefore, not be able to make any complaints.

Ruling: Hiding a significant fact about the merchandise that lowers its price turns the sale into *mekach taut*, even if the price changes less than one sixth (the cut-off point for the laws of *ona'ah* (mispricing)) (Maharsham III:181). This is different from mispricing, where less than a sixth is insignificant, primarily because price is flexible and we assume a person relinquishes claims to small errors, which he does not do regarding an incorrect fact.

Classically, a significant blemish is grounds for nullifying the sale rather than returning the projected price difference. There are cases when the flaw is not the type that deters someone from buying the object, but its price difference is to be returned (Rama, Choshen Mishpat 233:1, based on Terumat Hadeshen) even if the difference is less than a sixth (Pitchei Teshuva ad loc.). Some argue with the Terumat Hadeshen and say that the money is returned only when the object cannot be returned after the sale.

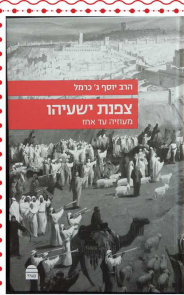
In this case, if pl asked to cancel the sale, we would do so, because many people who would buy a privately-owned car would not buy a company-owned car. In this case, pl does not want to return the car, partially because he has invested money in it.

Def's claim that pl should have checked with the authorities is rejected because that makes a difference only when the buyer said nothing about the issue from the outset and when it is simple for the buyer to check, neither of which are true in this case. Def's statement that pl should accept it no matter what he finds is not pertinent because one can waive complaints about merchandise only when he knows what the problems are (Shulchan Aruch, CM 232:7).

We do not accept pl's claim that he should receive the price difference tacked on to the discount he received. Part of the logic of the discount was that def did not have proof of who the previous owner was and thus he cannot take two deductions for the same thing. Also, we have no proof that def would have given a discount on an already depreciated car. Therefore, only 4,460 shekels are to be returned to pl so that the amount now paid will match the *mechiron* price.

When you shop at AmazonSmile, Amazon donates 0.5% of the purchase price to
American Friends of Eretz Hemdah Inc.

Bookmark the link <http://smile.amazon.com/ch/36-4265359> and support us every time you shop.
Please spread the word to your friends as well.



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

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.