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HEMDAT YAMIM

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Parashat HaShavua

Pesach, 15 Nissan 5776

From Slavery to Liberation

Harav Shaul Yisraeli – from Shirat Hageula, p. 8-9

We have always, in times of national success and of national lowliness, celebrated Pesach as the holiday of freedom, in commemoration of the exodus from Egypt. This includes times in which it did not appear that anything was left of that freedom, when the affliction was strong and our nation was drowning in baths of blood prepared by the nations of the world. Even then, celebrating behind sealed windows and drawn blinds, we still continued to teach our children how we were slaves and how Hashem extricated us with a strong and outstretched hand.

On Purim we do not recite Hallel, according to one opinion in the *gemara*, because we are still the servants of Achashveirosh, and thus our liberation is not complete. Why, then, do we continue to say Hallel on Pesach, even as we are servants to a host of kings and tyrants?

The answer is that the exodus from *Mitzrayim* (Egypt) is in essence an exodus from *meitzarim* (constraints). This is freedom from limitations, and an ability to escape the elements of life that hold us back spiritually. This power enables us to be spiritually free men even when physical conditions seem to preclude it. The Jew did not kiss the cross, did not relinquish his uniqueness, and did not turn his back on the concept of “You chose us.” Even if this came at the price of a yellow star, restrictions on his ability to support himself, and the threat of actual annihilation, we continued in our way. While in Egypt, there was a situation of the Israelites worshipping idols as the Egyptians did, from the time of that liberation and on, our enemies were not able to break our spiritual resilience.

Therefore, the very fact that we have been willing and thus able to get together for a *seder*, no matter what the difficulties and the dangers, magnifies the idea of “a commemoration of the liberation from Egypt.” For it was the greatness of that liberation that ensured that no tyrant would be able to end the impact of the liberation from *Mitzrayim*. Because of that, we are not servants in the fullest sense – not to Paroh and not to Nevuchadnetzer or the Spanish King Ferdinand, Stalin or Khrushchev. Freedom has become part of our nation’s DNA for all generations.

Just as there is national freedom, there is personal freedom. Just as there is external enslavement, there is internal enslavement, especially to our own character traits such as hatred, jealousy, desire for riches. When these overcome us, they cause us pain, sadness, and anger. These enslavements, though, are not our necessary destiny. We can overcome them and become free in a fuller way. Next year in a rebuilt Jerusalem; next year may we be free men.

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Ask the Rabbi

by Rav Daniel Mann

Roasted Foods on Pesach

Question: Is it permissible to eat roasted food at the *sefer*, and if not, what is included?

Answer: Eating roasted meat at the *sefer* is one of the cases that the *mishna* (Pesachim 53a) says depends on the local *minhag*. However, in this matter there is presently quite a bit of uniformity in *minhag* among *edot* (communities based on ethnic origin, which, these days, is more important than locality).


The *gemara* (*ibid.*) explains that we do not want to do things that look like we have sanctified something as a *korban* in place of the *Korban Pesach*. It says that all agree that it is forbidden to eat a roasted complete lamb or to say that an animal or piece of meat is set aside for Pesach (which has a double meaning – the holiday or the *korban*). Those who have the *minhag* not to eat any roasted meat on this night extend the reach of this concern further than those whose *minhag* is to eat most roasted meat. Interestingly, while the Shulchan Aruch (Orach Chayim 476:1-2) presents both *minhagim*, he does not take clear sides, nor does the Rama. However, *Acharonim*, both Ashkenazi (Mishna Berura 476:1) and Sephardi (Chazon Ovadia, Pesach II, p. 103) say unequivocally that the *minhag* is to not eat roasted meat. (I understand that Yemenites do eat roasted meat.)

There are some important details to add, including some about which there is not unanimity. The prohibition is on all meat that requires *shechita*, which includes poultry but not fish (Shulchan Aruch *ibid.* 2). The standard approach is that pot roast (without the addition of a significant amount of liquid – see Shevet Halevi IX:120) is considered roasted (Magen Avraham 476:1 Mishna Berura 476:1). When the meat was both roasted and cooked, we usually follow the last process that was done, as it determines how the meat appears, which is the main issue (*ibid.*). While this approach sometimes indicates strictness and sometimes leniency (depending on which was last), there is room for leniency in cases of need (*ibid.*), which makes sense considering the whole topic is a *minhag*. (If meat was first totally cooked and was then only heated up without gravy, this is not a problem (see Shaarei Teshuva 476:1 and Chazon Ish OC 37:14), as long as the reheating did not alter its texture to the point that it might seem roasted.)

There is some question as whether the prohibition is only at the *sefer* (or *sedarim* in *chutz la'aretz* – Mishna Berura *ibid.*) or even the next day (see Ben Ish Chai I, Tzav 30). However, the consensus is that it is only at *sefer* night – the time that the *Korban Pesach* would have been eaten (Mishna Berura *ibid.*; Yechaveh Da'at III:27).

There is an interesting dilemma regarding foods from the *sefer* plate, specifically the *z'roa* (forearm) of an animal and an egg, which are reminders of the *Korban Pesach* and *Korban Chagiga*, respectively (Shulchan Aruch, OC 473:4). The Shulchan Aruch says that the *z'roa* is roasted and the Rama says that the egg is roasted, as well. Because the *z'roa* is roasted, it should not be eaten at the *sefer* (Yechaveh Da'at *ibid.*), whereas the egg can be eaten because it is not meat (Mishna Berura 473:32). According to those who cook the *z'roa*, the Pri Megadim (473, MZ 4) says that it is still forbidden because the fact that it represents the *Korban Pesach* increases the chance of confusion with it. He says that we don't forbid eating the egg even though it represents another *korban* because the egg has other significances (see Rama, OC 476:2). However, one may be lenient if indeed the *z'roa* was cooked and not roasted (Yechaveh Da'at *ibid.*).

The prohibition on eating the *z'roa* raises another issue (although not this year, when the *sefer* is on Shabbat). If one did not roast the *z'roa* before *Yom Tov*, there is a question how one can roast it at night, given that one can only cook things on *Yom Tov* that he will eat (Magen Avraham 473:8). The Magen Avraham says that in such a case, one should have in mind to eat it during the day meal. The Maharshal (cited, *ibid.*) suggests to cook it, rather than roast it, and then eat it that night.



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Losing Sensitivity for that Which Is Frightening

(condensed from Ein Ayah, Shabbat 2:177-8)

Gemara: [The gemara is based on p'sukim in Tehillim (73:4; 49:13), which are very hard to translate, especially if one wants to translate them according to p'shat and also wants to understand them in context of Chazal's derasha. Therefore, we will bring the statements without the p'sukim upon which they are based.] Hashem said: It is not enough

that the wicked are not afraid and saddened about the prospect of the day of their death, but their heart is as robust as the opening of a hall. This is as Rabba said: The wicked know that they are headed to death, but they have fat over their kidneys [to keep them from reacting appropriately]. This is despite the fact that they have not forgotten their destiny.

Ein Ayah: Fear of the day of death is meant to accompany the natural tendency toward justice and kindness that exists in a person if he guards its purity. A person with a rational approach realizes that he views things inaccurately when he is alive and is drawn to desires and improper physicality and that he suffers when he strays from the holy traits that Hashem bestowed from Himself on the human spirit.

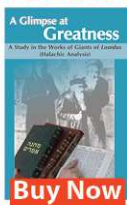
This changes on the day of death, when he is rid of all his physical desires and his soul wants to return to its natural level but feels at once the pain of defilement. The healthy soul, sensing, while still alive, the pending problem, fears the upcoming day of death. It is sad to think that certain lofty things that the soul cannot sense while alive but can when he is dead will elude a soul because of his behavior during his lifetime. The greatest acquisition a person can lose is the light and completeness of his soul.

Wicked people, who do not focus on the splendor of knowledge and were not warmed by the light of Hashem, will not be afraid of the day of death. This is different from those who have made wrong decisions and have lost much of the light of Hashem, but their spirit still has yearnings for improvement and will thus fear the day of death. Wickedness is capable of polluting the heart to the point that the wicked will be insensitive to the disappointment of not attaining purity after death. Therefore, as they walk in darkness, they will be robust and unconcerned about what they may experience after death.

A person can lack knowledge and proper emotion, either because he has intellectually warped conceptions or because his feelings are occupied with other things. If the problem is intellectual, he can be taught the truth and be healed. Even if it is due to distractions, it does not have to be a permanent problem because they can pass. However, wickedness can destroy all logic. Then, even if one should fear what will happen when he dies, he develops a rebellious nature that rejects the very idea of logic dictating how he should live his life. This is a moral disease that has no cure, because improvement is predicated upon the intellect being respected, which is missing when one knows that there is a day of reckoning after death but is not concerned about it. This is the fat covering the kidneys. The situation would not be severe if the person temporarily forgot the day of death, but we are referring to one who remembers and ignores. It turns him into an animal-like person. He can know everything and not have it trickle down to practicality and actions.

In order to ward off such a horrible disease, Hashem gave us the Torah of truth which impacts the way we act. It enables us to be sensitive to sacred things so that we will not become lost in the turmoil of wickedness and the muddiness of iniquity. Thus, in response to the dangers of wickedness, Hashem, who created the evil inclination, created Torah as a remedy (Kiddushin 30b).

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Is a Contractor Responsible for the Theft of Some of his Work?

(based on ruling 73080 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The defendants (=def) hired the plaintiff (=pl) to do all the electrical work in their house under construction until the house is approved by the authorities as meeting standards. He was to receive 45,000 shekels, at various stages as the work proceeded, and already received 23,400 shekels after the lines were installed, while the walls were not yet complete. Subsequently, someone stole the wires out of the wall. Pl demands that def pay him 2,000 shekel for new wires and 6,000 shekels for new work, if they want him to finish the job. Def say that pl was hired to have the electrical work completed, which he must thus see through, by buying new wires and completing the work. Pl's responsibility increased when he put in the wires before the walls were completed, as it is easier to steal wires in that case, and he did not warn def and ask permission to take the risk. Pl responds that such theft is uncommon, and there are professional preferences to installing the lines in this way. Therefore, he did not feel a need to discuss the matter.

Ruling: Beit din brought two expert witnesses to determine whether there is a minhag about responsibility for theft of building material that has already been installed and about the price to reinstall wires. On the former, there was agreement that in a case where the worker was already paid for that part of the work, it is the homeowner's problem.

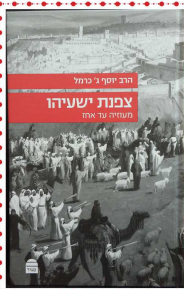
Based on classical halachic sources, as well, once the wires were incorporated into the house, they become def's property and thus responsibility. How the acquisition is made ostensibly depends on the machloket whether movable objects that become attached to the ground obtain a status of ground (see Rama, Choshen Mishpat 95:1, regarding oaths). However, the Pitchei Choshen (Kinyanim 2:(8)) proves that regarding kinyanim, everyone agrees that they are treated like ground. Thus, the money that was paid for what was done, including for the wires, could have acquired it for def. There are varied opinions as to whether kinyan chatzer (the object being in the domain of the buyer), which works for objects that become attached to the ground (K'tzot Hachoshen 95:3), applies to a domain which is not protected on behalf of the buyer (See Rama, CM 200:1; Shach and K'tzot Hachoshen ad loc.).

If pl is willing to continue the work, he is entitled, based on the experts, to an additional 4,700 shekel to compensate for the stolen wires and for the necessary work. If he does not want to redo the work, there is no binding obligation to do so, but in such a case, the amount of money that it will take for someone to come in and finish the job will be subtracted from pl's quote of 49,700 which pl is due, even if it requires pl to return some of the money that he has already received (see Shulchan Aruch, CM 333:4). Even though pl and def did not sign a contract (see Pitchei Teshuva 333:2), pl still has a moral obligation to finish the job (S'ma 333:1).

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