



HaRav Shaul Israeli zt"l
Founder and President

HEMDAT YAMIM

Parashat HaShavua

Naso, 5 Sivan 5776

Hakdama to Akdamot

Rabbi Daniel Mann

During the upcoming holiday of Shavuot, we will not be fulfilling any *mitzvot* that are specific to this holiday – not *mitzvot* from the Torah and not even *mitzvot derabbanan*. (In the time of the *Beit Hamikdash*, there was a special *korban* brought, called *shtei halechem*.)

There are, though, many post-Talmudic special *minhagim* (reading Ruth, eating dairy, displaying greenery,...), some of which also raise interesting and unique halachic situations. Regarding most of these *minhagim*, the rationale is shrouded in secrecy, allowing several speculations. Perhaps this is part of the nature of the holiday – hidden matters. After all, its date is not written, allowing it to be the basis of a major dispute with the *Tzedukim*. In theory, i.e., when the month is set based on moon sightings, it can fall on different dates. Even Hashem's revelation at Sinai to give the Torah is not dated or connected in *Tanach* to Shavuot.

Another Shavuot topic that is shrouded in mystery is related to the Torah reading. This is the *piyut* (liturgical poem) known, by its opening word, as *Akdamot* (meaning, an introduction). It is ostensibly written by someone named Meir, the son of Yitzchak, Shaliach Tzibbur (usually referring to a *chazan*, but literally means the agent of the community). He seems to have been a contemporary of Rashi and lived in Worms. (Some legends link the author to a miraculous event that occurred hundreds of years earlier.) While poetry of Ashkenaz in that era was often hard to understand, this is much harder, as it is written in a somewhat unfamiliar dialect of Aramaic (many who read *gemara* and Unkelus fluently have a lot of trouble understanding it).

Akdamot's basic content is as follows. The first part is praise of Hashem, who created the world, and of the angels, who serve Him. Then, it retells the argument between Bnei Yisrael and the nations, explaining why it is appropriate for us to be given the Torah and worthwhile for us to keep our commitments. The last of 45 double stanzas is perhaps most memorable: "Exalted is our Lord in the beginning and the end; He desired and wanted us and gave us the Torah." (Learn more in Rav Maimon's "Chagim U'Moadim.")

Akdamot has survived well after the majority of *piyutim* (*yotzrot*, *ofanim*, ...) have primarily disappeared from our lives and are relegated to the back of a few complete *siddurim*. While *Akdamot* has survived, it has been scaled back. The original *minhag* was to recite it after reading the first *pasuk*; now, to avoid serious questions of *hefsek*, most recite it before the *kohen's* opening *beracha*. Apparently, *Akdamot's* was destined to survive and remain part of the lore of the day. We have a deep and mysterious relationship with Hashem that we do not fully understand. It is part and parcel of the reason we were given and continue to dedicate ourselves to His Torah. Even though so many stay up all night and so few have strength/enthusiasm for the morning *tefilla* and Torah reading, we will hopefully continue to read *Akdamot* (with its simple but special tune). In so doing, we will reinforce the idea that our clinging to the Creator from that momentous day at Sinai is worth singing about with recognition that we cherish everything, even if we only understand some of it.

Refuah Sheleymah to Orit bat Miriam

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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.
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Ask the Rabbi

by Rav Daniel Mann

Products Containing Minute Quantities of Non-Kosher Food

Question: I want to use a homeopathic allergy medicine that contains some *apis mellifica*, which is trace quantities of crushed honeybee. Is this permitted?

Answer: There is disagreement on the topic of alternative medicine. Extreme opinions are rarely right. Some treatments under the umbrella of alternative medicine are helpful, and some are quackery and serve as a placebo at best. There is also a significant category of medicines and treatments (homeopathic or conventional) whose efficacy is unclear or varies from person to person. We are not in the position to take a stand on which treatments fall into which category. This general disclaimer has added significance in the case of ingesting something non-kosher as a medication. There is significant room for leniency when ingesting non-kosher items in a not classic manner of eating for the medicinal needs of the sick (Pesachim 25b; Shulchan Aruch and Rama, Yoreh Deah 155:3). Not only do many cases of allergy not qualify as sick, but the Rama (ibid.) requires that a medicine must be proven effective for leniency to apply; this is rarely if ever true of homeopathy. So let us look at the *kashrut* of the ingredient in question.


Bees are *sheratzim* and thus not kosher, even though their honey is (Rambam, Maachalot Assurot 3:3). It is permitted to eat honey into which taste from parts of bees enters, because the taste is assumed to be negative (Shulchan Aruch, YD 81:8). One could say that this is only true when bee parts fell in accidentally, but that if one purposely put them in, he thereby gives them importance, thus preventing *bitul* (nullification) due to its bad taste (*achshevei* – Chulin 120a). Many *poskim* (including Igrot Moshe, Orach Chayim II:92, Minchat Shlomo II:65) say that if the purpose of the non-kosher food is not related to its food qualities but just medicinal ones, *achshevei* does not apply.

In this case, we ostensibly have a simpler reason for permissibility - homeopathic solutions use trace quantities of the active ingredient, so that there is usually sixty times more kosher than non-kosher (see Shulchan Aruch, YD 98:1). On the other hand, *bitul* is supposed to come about by accident, whereas it is forbidden to add kosher material to arrive at criteria for *bitul* (Shulchan Aruch, YD 99:5). If this is done, the *bitul* is disqualified, and the food remains forbidden for the person who did the *bitul* and those for whom he did it (ibid.). Ostensibly, in this case, that is the consumers of the *apis mellifica*.

However, *bitul* is disqualified as a penalty for the sin of nullifying the forbidden food. If the food was put into a mixture in which it is *batel* by a non-Jew, who is obviously not forbidden to make that mixture, there is no reason to penalize him, and it is permitted, according to most opinions, for a Jew to buy the product (see Badei Hashulchan 99:38).

If the company is owned by Jews but the act of nullification was done by non-Jews, the matter is not simple. On the one hand, the Beit Yosef (YD 99) says that if a Jew asked a non-Jew to do *bitul*, the Jew cannot eat it (or sell it to profit from the *bitul* – Rama ibid.). On the other hand, even if a Jew did *bitul*, the Taz (99:9) says that if he did not realize it is forbidden for him to do so, the mixture is permitted.

Apparently, the product in question has an edible base (including alcohol), whose *kashrut* we cannot confirm, and thus ingesting may be forbidden due to the inactive ingredient. This leads us to an interesting question. Would it be permitted to give a *hasgacha* to this product? The Badei Hashulchan (to 99:5) says that this is forbidden because the rabbi becomes a partner in the nullification process through his instructions. However, this is logical only in a case where the rabbi has them do the process according to his instruction. If, though, the regular process renders the mixture kosher by *bitul*, formal halacha should allow him to inform the public of this fact. However, formal *hechsherim* are not generally given in such cases (see Igrot Moshe, YD II:41).



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Divine Plan or Human Initiative?

(condensed from Ein Ayah, Shabbat 2:204)

Gemara: A Tannaic statement emanated from the school of Rabbi Yishmael: “Should the faller fall from it (*mimeneu*)” (Devarim 22:8). “*Mimenu*” implies that the faller was fit to fall from the six days of Genesis, as the Torah calls him a “faller” before he fell. The idea is that meritorious matters are brought about by meritorious people and negative matters by negative people.

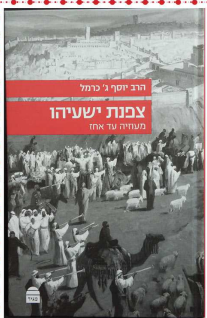
Ein Ayah: One can ask whether human occurrences happen naturally and of necessity in a determined chain of events or whether they can occur not according to plan but due to man’s choices based on free will. The fact that man has free choice does not remove the question. Just as destiny does not prevent man from trying to naturally obtain result he desires, so too it does not stop him from making moral decisions. Just as one who takes foolish steps in practical life can ruin things for himself, so too one who sins can change things for the worse, as he can change them for the better by acting properly.

Therefore, the aforementioned philosophical question is not always a practical one. There certainly is a possibility for things to change based on people’s actions. It is also possible for apparently sudden changes in life to have been predestined based on divine rules of truth and justice. However, in our mind’s eye, we see two equal possibilities – times when apparently social processes bring about events and times when events seem to have developed by people’s choices.

The most enlightening approach is that existence expands broadly in the physical and spiritual realms, as the *pasuk* says, “How great are Your actions, Hashem!” (Tehillim 92:6). All the factors are in place, and they are implemented by Hashem’s wisdom. The areas controlled by predetermined factors and those that are controlled by free choice are both broad, and they join together to shape all of existence, as the *p’sukim* say: “The world was built on kindness” (ibid. 89:3) and “His throne is established on kindness and truth” (based on Yeshaya 16:5).

The break-up of matters into these categories depends roughly on whether they are matters of *tachlit* (end) or *emtza’i* (means), although these terms are hard to nail down. Something that is basically an end, can at other times be means; something that is usually a means can also be an end. Means do not themselves have a direct impact on the world except by creating significant ends. Means are more related to free choice. If one’s means did not come through, another one will be created to bring the end. Ends are more related to divine design. Both good and bad are ends, as even bad is part of the creation about which the *pasuk* says Hashem saw it as very good (Bereishit 1:31). They are the material for the personal good and bad that turn into righteousness and evil.

In understanding the idea that the faller was to fall, we note that many things are set by divine plan and if free choice joins up with it, the significance is in becoming a means for the end. The idea that meritorious matters are brought about by meritorious people means that matters of choice and morality were integrated into the development of the world. This is as the *pasuk* says: “All that Hashem does is eternal; one cannot add to or detract from it, and the Lord caused that they should fear Him” (Kohelet 3:14). That which connects permanent justice on a cosmic level with freedom is the fact that there is free choice whose extent is known only to Hashem. If free choice were absolute in its impact, the world would be a different place. Hashem decides when it will impact and when it will be overcome by predetermined factors. Divine Providence arranges all of this with sensitivity to means and ends, according to the value of each. Every person has a time and everything has a place, which are set from the Genesis. This is the situation of the faller, whose death was brought about by the one who connected himself to death. “Our Lord is great and powerful, and there is no limit to His wisdom” (Tehillim 135:5).



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.

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Preventing Unfair Rent Hikes – part II

(ruling 74091 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The defendant (=def) is a community *yishuv* which for decades has been renting out commercial buildings, including a 220 sq. meter structure rented by *pl*. In recent years, *def* started raising the rent per meter of these buildings and last year they removed the longstanding 50% discount on half the area. *Pl* complains that *def* may not take advantage of *pl*'s lack of alternatives to raise the price in a manner that is not true to market values, and against the standard practice that rental agreements for commercial property are for 5-10 years. The 50% discount was done to encourage businesses to come to the area and once this was agreed upon decades ago, *def* is committed to keep to this arrangement. *Def* was also required to negotiate the matter with *pl* and not present the changes as a fact, and warning time needed to find a new location is 6 months. Therefore, *pl* demands that the rent should be linked to the inflation rate. *Def* responds that by a vote of its board, they may change prices like any other landlord in a free economy and that they did allow *pl* to plead his case before the board, who rejected it. Regarding the reason for the change in policy, market forces no longer make it necessary to encourage rentals, and the deficit in *def*'s budget makes it necessary to raise revenues. They delayed the end of the discount, and they gave ample notice for relocation if *pl* is unhappy with the new conditions.

Ruling: Last time we saw that in this case *beit din* is not authorized to prevent the rental rate increase.

The *mishna* (Bava Metzia 101b) mentions different amounts of time required for informing renters of the end of the rental. They range from thirty days to six months, to twelve months, to three years, depending on the purpose of the rental and the season. Regarding a store, twelve months is needed for the proprietor to receive payment from those who bought on credit. While needs can change in different times and places, in every context the amount of time must be clear and must not differ from tenant to tenant.

The law often helps establish the custom. In Israel the law usually requires a month's notice, and sometimes three months, when there is no stipulation in the contract, and it does not distinguish between different uses of the property. In a case like this, where the law is not coming to respond to the needs of the time but to set a time it considers generally fair, the halacha has precedence over the law. *Beit din* sought information on the customary warning periods in such cases, and the most common finding was 90 days.

Do we count the 90 days from the time *def* wanted to change the price or from the time *beit din* ruled they are permitted to do so? The Rama (Choshen Mishpat 312:14) says, in a parallel case, that it is from the time he wanted to remove the renter, because the renter should have considered he would lose the case. Regarding removing the discount, since at first the decision may not have been taken properly, the 90 days starts from when the clearly valid decision was taken.

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