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# HEMDAT YAMIM

## ח'מ'ת'ת'מ'ח'מ'

### Parashat HaShavua

Vaeira, 3 Shevat 5781

## Overlapping Prophecies of Yechezkel and Yirmiyahu

Harav Yosef Carmel

This week's *haftara* begins (the first *pasuk* we will cite precedes the *haftara*) with Yechezkel's description of the future liberation. "There will no longer be a *silon mam'ir* for Bnei Yisrael and a painful thorn, and they will know that I am Hashem... when I gather the House of Israel from the nations of their dispersions. I will be sanctified before the nations, and they will live in their Land which I gave to my servant Yaakov. They will live there in security and build houses and plant vineyards, and live in security, as I will bring miraculous blows against all who are *shatim* to them" (Yechezkel 28:24-26).

At the same time that Yechezkel was serving as prophet in Bavel, Yirmiyahu was serving in Jerusalem. This gives us the opportunity to view the period from two different vantage points. Generally, we should point out that there are significant differences between the two prophets:

1. Yirmiyahu does not consider Yehoyakim to be king from the time he was exiled to Bavel, where he was imprisoned. Therefore, the dating of his uncle Tzidkiyahu as king begins from that point. In contrast, Yechezkel counts the kingship of Yehoyachin even when he was in a Babylonian jail.
2. Yirmiyahu viewed the post-Exodus generation as a "generation of knowledge," whose relationship with Hashem was a symbol of a positive one. In contrast, Yechezkel is harshly critical of them.

In regard to the prophecy we began with, the two see things similarly, as Yirmiyahu uses similar imagery of planting vineyards and living in security (Yirmiyahu 31:4, 32:37). Yechezkel also uses very strong and rare language to get his idea across. According to Targum Yonatan, the word *silon* means a corrupt king and Rashi explains that *mam'ir* means a painful affliction (as is used in regard to *tzara'at* (see Vayikra 13:51). Targum Yonatan explains *shatim* as marauders who plunder, and Rashi explains that it means those who degrade their victims. To summarize the approaches of both, in the future, Bnei Yisrael will escape exceptional oppression and will be fortunate to live in security in their Land

In our days, we can understand the prophecy more broadly. The nation will return to the Land and will be accepted by the Land with great love, for example by the returnees planting very successful vineyards. While our nation had been degraded, and our property was desired by our oppressors, we will succeed in building a highly technologically developed economy. We indeed have witnessed our populace becoming among the most affluent in the world. While some 75 years ago, we were viewed as thorns in the eyes of the nations and like lepers, we have now been able to turn things around. We stand out among our neighbors as a uniquely talented nation, and those who still try to oppress us have themselves experienced great destruction. The interest of so many nations to get to see and take part in our success is part of the prophecy of Yechezkel and Yirmiyahu. May we succeed in being a light unto the nations.

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# Ask the Rabbi

by Rav Daniel Mann

## Is a Second *Netilat Yadayim* Necessary?

**Question:** If one does *netilat yadayim* (=ny) before eating rinsed fruit (without a *beracha*), and then decides to eat bread, should he wash again, with a *beracha*?

**Answer:** Your question is related to a famous yearly practice. The *gemara* (Pesachim 115b) says that at the *Seder*, the first *ny* (for *karpas*) does not preclude a second one because, in the interim, one takes his mind off of his hands (*hesech hada'at*). Tosafot (ad loc.) asks why we need that reason, considering that the minor *ny* anyway should not exempt from *ny* on the *matza*, which is a full-fledged and different Rabbinic obligation. Tosafot answers that we might have thought that even a non-required *ny* precludes the need for a repeat when required.

The *Beit Yosef* (Orach Chayim 158) understands from Tosafot that even if one does a lower-level-obligation *ny* for non-breads dipped in liquids, he still has a full obligation for *ny* (with a *beracha*) if he now wants to eat bread, and the Shulchan Aruch (OC 158:7) rules this way. The Rama (in the Darchei Moshe and on the Shulchan Aruch, both ad loc.) says that this is so only when he had *hesech hada'at* (or a long time passed – Biur Halacha ad loc.). Otherwise, one would not make a *beracha* on the bread. (The Biur Halacha *ibid.* posits that if there is no water for a second *ny*, one can rely on the first *ny*.)

There is a parallel discussion regarding one who leaves the bathroom right before a meal. If he does one *ny* for both needs, both the option of eating first and of reciting *Asher Yatzar* first raise problems (beyond our present scope). Therefore, the Shulchan Aruch (OC 165:1; the Rama does not object) rules to wash two times; the first is followed by *Asher Yatzar*, the second, by the *beracha* of *Al Netilat Yadayim*.


The Magen Avraham (165:2) asks why according to the Rama, is there a *beracha* on the second *ny* if it is so soon after another *ny*. His first answer is that the *beracha* can actually relate back to the first *ny*, as he knew he would eat bread. The second answer, which he prefers, is that the first washing should be done in a manner that is invalid for bread (e.g., without a cup), so that he can say *Asher Yatzar* without causing a problem with the *beracha* on a full-fledged halachic *ny*. Rabbi Akiva Eiger (ad loc.) rejects the Magen Avraham's first answer because if the second *ny* added nothing, the *beracha* on *ny* has to relate to the first, significant *ny*, and therefore *Asher Yatzar* would cause a problem. The Mishna Berura (165:2) and many others (see Sha'ar Hatziyun ad loc.) accept the assumption of the Magen Avraham's second answer – if nothing happens to the hands between two acts of *ny* in relative close proximity, there is no *beracha* on the second one, even if the first was not a *ny* with a *beracha*.

It might seem that before eating bread soon after washing for fruit, a Sephardi would make the *beracha* on the *ny*, following the Shulchan Aruch, and an Ashkenazi would not, based on the Rama. However, this is far from clear. The Yalkut Yosef (OC 158:19) rules that even a Sephardi does not make a *beracha* because Tosafot is based on an assumption (which we do not accept) that the *netila* before dipped foods is only for cleanliness. Ashkenazim also have to determine how long the effect of the first *netila* precludes a new *ny* with a *beracha*. The Biur Halacha (to 158:7) says that after a few hours, it is ineffective unless he originally intended it to last for a later eating and did not have *hesech hada'at*. We note that the Darchei Moshe (*ibid.*) assumed that the delay between *karpas* and *motzi matza* warrants a new *ny* with a *beracha* and that not everyone has an hours-long *Maggid* section.

During a meal, we do not assume *hesech hada'at*, but when one finishes it, we normally treat the situation as one where we assume it (see Mishna Berura 164:7). It is unclear how long after *ny* for fruit we should assume *hesech hada'at*. A trick to use for such a case of doubt is to touch parts of the body that are usually covered, making *ny* with a *beracha* a definite subsequent need (see Yaskil Avdi, II, OC 6)..

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





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# Igrot HaRe'aya – Letters of Rav Kook

## A Smaller Shas – Vol. I, #3, p. 3-6

**Date and Place:** 5649 (1888), Zaumel

**Recipient:** Rav Chaim Berlin, the great giant, the glory of Israel, its crown and pride among Israel and humanity. [Rav Chaim Berlin was the oldest son of the Netziv, the rosh yeshiva of the Volozhin Yeshiva, and rebbe of Rav Kook. At the time, Rav Berlin was Chief Rabbi of Moscow.]

**Greeting:** The dear greetings of your exalted greatness, my master *shlita*, appeared yesterday. My eyes saw and rejoiced, for the righteousness of the exalted master *shlita* aroused him to strengthen the hands of those who work in the field of sanctity with words of grace and honor. May our praise be upon you. The strength of the lion among the group should be great.

**Body:** I am now sending you the first issue of *Itturei Sofrim* (the short-lived rabbinical periodical that Rav Kook founded and edited), and with Hashem's help you will soon receive a second issue, because the galleys are already finished at the printer. I come before you to beg that you honor us by adding your great hand to our work with your important words, which are beloved by our people both on their own merits and because their author is our glory. I hope to receive them soon, to adorn the "market" of the leading authors, for I am under pressure to give the material for a third issue to the editors. We request that the words of our master will be close to us and be among the most important contributions.

There is another new idea, which with Hashem's help we are not far from carrying out. I want to present it to you to know what your exalted opinion is on the matter. I recently had the idea to make a proposal to the leaders of the generation to embark on a lasting project which could be of great value for the study of the holy Torah. I refer to publishing an edition of the Talmud Bavli in a small format [i.e., without the standard commentaries], along the lines of the small *Tanach* that was published in Berlin and Leipzig, not with big letters like the recently published *Mishnayot*. That way the whole *Shas* will comprise a small volume, I believe not more than three times that of the *Tanach*.

This will bring great benefit in creating people with broad knowledge of the Talmud in our nation. The scarcity of volumes of the Talmud was already raised several generations ago by those like the Maharal of Prague. The main reason for the shortage is the big format. While I could go on at length, this is not necessary before someone as great as you.


If we print some 10,000 copies, we could sell each *Shas* for 1 silver ruble and still make a nice profit, even though that is not our interest. In any case, any profits would go toward a special fund that would slightly help to raise the standing of the Torah, with Hashem's help.

The one thing we would need is to print on the bottom a short commentary based on the most critical excerpts of Rashi, which is what is needed for those who are just reviewing what they have already learned to remind them of matters. I am attaching a sample page.

This would be too much work for one person, but I would call for a meeting of the generation's leaders, and everyone would commit to doing one *massechet* or more. The matter should not be derailed, so we can finish quickly. Since I am young, I would just follow along the giants of the generation, and my illustrious father-in-law, the Chief Rabbi of Ponovitch, would orchestrate the holy work. Hopefully, we will quickly have a volume for those who have learned from the large *Shas* editions and will review with this one. I would greatly appreciate if you could take part in one or both of the projects, as we need a commentary using footnotes like the *Zera Yisrael* edition of *Mishnayot*.

Since such a printing will cost 7-8,000 rubles, which I cannot raise, I will need to enlist helpers for this project. If 20-30 friends can all lend some money, we can have the matter done promptly. There is no chance of loss according to my understanding of the field, and one of the great leaders will be in charge of receiving donations and passing them on to the publisher.

I would appreciate your lofty response on all of these matters.



**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

## Why Was the Etrog Order Changed? – part III

(based on ruling 74026 of the Eretz Hemdah-Gazit Rabbinical Courts)

**Case:** The plaintiff (=pl) is an Israeli merchant of *arba minim* (=AM). The defendant (=def) is a representative of Company P (=CP), which sells in several places abroad. Def and pl signed a contract for specific amounts and prices of AM (in the thousands), with pl arranging where and how def would receive merchandise. The sides had disagreements about several things, including the quality of the *lulavim* and *etrogim*, due to which def did not pay pl in full. Mr. S, an AM appraiser, who represented CP, worked out a new deal between the orchard owner (oo) and CP, which was written down and signed a week later. Therefore, def claims that pl does not deserve any cut in the eventual *etrog* sale. [Those issues were easily adjudicated by *beit din*]. Def is countersuing for damages that pl caused, primarily because oo, who was supposed to provide the *etrogim*, did not give def as many *etrogim* and of the right type as he requested. Since CP ordered sales rooms and advertised for a larger quantity than they received, CP is making def pay damages (\$85,000), and def is demanding that amount from pl. Def blames pl for not making a written agreement with oo or coming to the orchard to make sure the agreement went through.

**Ruling:** [After discussing the status of the testimony of most of the witnesses, we will look into oo's status.]

At first glance, the disagreement between the sides has caused a delay in oo's getting paid, which gives him an interest in his testimony, which should disqualify him. However, this is not accurate because in any case CP is required to pay oo based on a separate contract they have with him. Even according to pl, oo does not benefit from his testimony, as pl claims that he owes oo for that which he gave to CP. The Rambam (Eidut 15:6) rules that when testimony ostensibly helps the witness but the benefit is readily available through other means, the witness is able to testify. Although at times we say that a witness would rather have the payment be due from one person rather than the other because he is more reliable (Shulchan Aruch, Choshen Mishpat 37:17), in this case, since CP is willing to pay and pl is likely to be in financial difficulties, oo is fit to testify.

It turns out, then, that we have two kosher witnesses (MR. S and oo), but that they contradict each other on whether oo was willing to stand by the deal he worked out with pl. The question cannot be solved. In such a case, we are left with a situation in which there is a contract between def and pl, which is binding (based on common business practice) unless it can be proven that it became irrelevant. Therefore, with no more than a possible claim of negligence on pl's part, there are insufficient grounds for obligating pl to pay for damages to CP/def.

The sides had given each other checks for payment, should it be necessary. Def says that he needs a delay in payment because of possibly extreme consequences of immediate payment. On the other hand, pl describes his needs as equally dire. We, then, have to follow the timeline as found in the contract. Therefore, in one week, we will enable pl to receive 204,258 NIS for payment for the AM that def/CP received through pl.

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