



HEMDAT YAMIM

Parashat Hashavua Pesach, 15 Nissan 5782

Harav Shaul Israeli zt"l
Founder and President

Avraham's Mistake

Harav Shaul Yisraeli – from Shirat Hageula, p. 17-18

Many have discussed the nature of Avraham's sin (a possible cause of the exile in Egypt – Nedarim 32a) of asking, "How will I know [my progeny will inherit the Land]" (Bereishit 15:8)? Apparently Avraham did not doubt Hashem's ability to see to it. Rather, he speculated whether his children would succeed in handling the gift of the Land in a way that they would live an independent national life in it.

Jews throughout history did not just doubt whether they were physically capable of gaining control of their Land. Rather, they also had misgiving over whether they could run a country in the Land while still keeping a life of Torah. Isn't it easier to live as a Jew in the Diaspora, where the agriculture is in non-Jewish hands? Then a Jew can look for an "easy and clean" profession, one that will allow him to spend some extra time *davening* and learning some *mishnayot* and spend the evening in the *beit midrash*? Can a state exist without an army, and can the existence of an army go hand-in-hand with ideal Torah education and greatness in Torah scholarship? Will that not cause an increase in secularism, to the point that this nation would no longer be fit to inherit the legacy of Avraham?

Let us examine these questions in light of Yitzchak's blessings to his sons. Yitzchak did not intend to make Eisav the full firstborn, but rather his idea was to divide the elements of leadership. Eisav was to be the man of action, business, and worldliness. Yaakov would remain a tent dweller, removed from worldly activity. Each would live peacefully with the other and complement him. However, that is not the way Hashem wanted it. He chose Yaakov to assume both mantels – the dew of the heaven and the fats of the land.

Yaakov was daunted by the task. *Chazal* explain that he saw on his ladder nations going up and down. Hashem encouraged him to climb up, but he was afraid (Shemot Rabba 32). Yaakov was supposed to oppose Eisav from the beginning, but instead he ran away and tried to appease him. This was a dereliction of his task. Going to the Diaspora, which he thought would enable him to serve Hashem with more freedom, did not work out. While he did not have to battle, the building of a family was not easy for him (see Hoshea 12:13).

The phenomenon returned along the lines of "the actions of the fathers serving as a sign for the children." The new Diaspora was Egypt. This too came about as a result of a misunderstanding of the proper fusion between the physical and spiritual worlds. Why were the brothers jealous of Yosef? They did not want him to have prominence in practical affairs since he was the one who studied the most Torah with their father. They did not want him to use what proved to be great political skill on family affairs; he should stay in the tent with their father. They thought it was haughty to think he could do it all.

At the end, the mistakes became clear. It is not better to leave the practical world to the gentiles, and it is not possible to have an ideal spiritual state among them. *Maror* represents the physical torment the non-Jews will exact from us, and *matza* represents the need to quickly extricate ourselves before their spiritual decadence dooms us. The *korban Pesach* represents the third lesson – that the liberation of Israel is carried out as part of a divine plan, which one needs to take part in and not avoid. Without these three elements, we have not fulfilled the *mitzva* of Pesach.

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Those who fell in wars for our homeland. May Hashem avenge their blood!



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Ask the Rabbi

by Rav Daniel Mann

Mistakes in Kiddush of Yom Tov that Falls on Shabbat

Question: I sometimes get confused in the *Kiddush* of *Yom Tov* that falls on Shabbat. What does one do if he did not say all of the correct elements?

Answer: There are too many permutations to touch all of them, but we will try to address the main ones, with a focus on likely mistakes. Most of the relevant sources discuss the similar combinations in *davening*, but for the most part, the applications in both cases are the same (Mishna Berura 287:2).

If one totally left out either Shabbat (e.g., by missing all the words in parentheses in the *siddur/bentcher*) or *Yom Tov* (e.g., by opening up to *Kiddush* of Shabbat), one is not *yotzei* (Shemirat Shabbat K'hilchata 47:41). The question is if he mentioned each at some but not all points. It is necessary to relate to the correct day(s) in the main body of the *beracha*, and if he left it out, it is not enough if he recited the right thing in the *beracha's* ending (see Shulchan Aruch, Orach Chayim 487:3).

If one says "... *vatiten lanu ... et yom haShabbat hazeh*," that is enough even if he forgot the other mentions (and obviously if he left out "*b'ahava*"). It is less clear if he mentioned Shabbat only in the last words before the end *beracha*, as that might be considered part of the end and not the main body of the *beracha* (see Mishna Berura 487:13). Regarding the *Yom Tov* element, "... *vatiten lanu ... et yom...*" is even more important, as one must mention the specific holiday (Mishna Berura 487:11; Shemirat Shabbat K'hilchata 47:42), and it is mentioned only once during *Kiddush*.

The end of the *beracha* is very important, and if one recites on a regular *Yom Tov* the ending of Shabbat or vice versa, he is not *yotzei* (see Shulchan Aruch, OC 487:1). The matter is less clear on *Yom Tov* that falls on Shabbat. If he leaves out one element, the *beracha* could still be significant because he correctly addressed one element. While the missing element is crucial, perhaps it is enough that it was mentioned in the midst of the *beracha*. The Kneset Hagedola (to Tur, OC 487) says that if one mentioned Shabbat in the middle but not at the end on Shabbat/Yom Tov, he does not need to repeat *Shemoneh Esrei*. The Pri Chadash (OC 487:1) presumes that the Kneset Hagedola's basis is the *halacha* (Shulchan Aruch, OC 268:4) that if one *davened* a weekday *Shemoneh Esrei* on Shabbat and mentioned Shabbat in its midst, without a separate Shabbat *beracha*, he is *yotzei*. However, the Pri Chadash rejects the proof based on the fact that on a certain level, a full *Shemoneh Esrei* on Shabbat could have been appropriate, whereas a seven-*beracha amida* on Shabbat and Yom Tov needs to be done with an accurate middle *beracha*. We assume like the Pri Chadash, including in regard to *Kiddush* (Shemirat Shabbat K'hilchata *ibid.* 41). If he did not speak extraneous things, he would not have to repeat Borei Pri Hagafen (HaSeder He'aruch 52:7). If he repeated the *beracha* and the second time mentioned only Shabbat and not *Yom Tov*, he is likely *yotzei* since both elements were ultimately recited (see Igrot Moshe, OC IV, 70:14).

If one mentioned Shabbat at the end and not *Yom Tov*, the situation is better, based on the following source. The *gemara* (Beitza 17a) cites three opinions of *Tannaim* regarding what the proper break-up of *berachot* is for the *amida* of Shabbat/Yom Tov. Beit Hillel says that the *beracha* ends with mention of only Shabbat, whereas *Yom Tov* is mentioned only in the middle. We *pasken* like Rebbe, who says that the end *beracha* mentions both Shabbat and *Yom Tov*. However, many presume that Rebbe only came to add on *Yom Tov* as a *lechatchila*, whereas if one mentions *Yom Tov* in the middle and ends with only Shabbat, Rebbe agrees that he is *yotzei* (Be'ur Halacha to OC 487:1). The Be'ur Halacha points out that the Yerushalmi's version of Rebbe is like Beit Hillel (the end *beracha* need not mention *Yom Tov*), and the discrepancy is more palatable if Rebbe agrees *b'di'eved*. Thus, regarding practical halacha, mention of the specific *Yom Tov* in the midst of the *beracha* is sufficient *b'di'eved* (Shemirat Shabbat K'hilchata *ibid.*).

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



Igrot HaRe'aya - Letters of Rav Kook

The State of Education in Eretz Yisrael - #98 – part I

Date and Place: 13 Marcheshvan 5768, Yafo

Recipient: The rabbis of the Secretariat of “Mizrachi” of the Western Countries. They had many questions for Rav Kook about the state of education in *Eretz Yisrael*. The ones he answered, we present in numbered form, as he did.

Body: 1. Regarding *yeshivot* and other institutions in which Torah is learned, in *Eretz Yisrael* in general, there are so many that I cannot list them all. In general, the traditional program of education is the dominant one in the old institutions. This is an arrangement that has many advantages, although it is also not free of drawbacks, which there is a great necessity to fix. But at least with them, we are confident that they are raising Jews for us. When they remedy the drawbacks, their products will be Jews that will be the pride of the Holy Land, in the eyes of *Am Yisrael* and humanity.

The goal of the “Shomrei Torah” organization is to protect traditional Judaism, which is dedicated to the covenant and the Torah to the fullest extent. This is a reality that is continually shrinking in scope in *Eretz Yisrael* because of the new schools. These new schools, for the most part, want to establish a mindset of no more than a dry national identity, which negates even general belief in Hashem, not to speak of allegiance to a lifestyle that gives life to its adherents through the light of Hashem and the fulfillment of the *mitzvot* in truth and purity. To this point, Shomrei Torah has established some schools according to the old approach, and sometimes there is a little loosening and beautifying in comparison to the old school. This is done through the influence of wise people and the physical help of the wealthy who love the righteousness of Hashem and the statutes He gave Israel.

2. The councils that oversee all of the schools that generally follow the old approach, consist of *gabbaim* and supervisors. Most schools have hired supervisors, and the schools that are officially part of Shomrei Torah are under the leadership of the organization, which is made up of especially pious people. Many of them are dedicated to this project, and they live in Yerushalayim.

3. The children in the *moshavot* (agricultural cooperatives) schools are children who live in the *moshavot*. Here (Yafo) and in Yerushalayim, there are some children in the schools from outside of *Eretz Yisrael* and from other cities. These schools also have a few students from Yemenite families and recent immigrants from Russia.

4. Most of the teachers are G-d-fearing and Torah-knowledgeable people from the older generation. There are some who have a certain level of secular knowledge, mainly from that which they accumulated by themselves. The school day is usually seven to eight hours a day.

5. To our great disappointment, we have not found any institution that teaches young women to lead a life of Torah and *mitzvot* along the lines of the traditional approach. The influence of the schools in which the young women learn is generally one in which the known weakening of the new schools in the realm of religion is a problem. This matter needs remedy without any delay.

We continue with other elements of Rav Kook's report next time.

We daven for a complete and speedy refuah for:

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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

Disappointment with Arba Minim Sales Provisions – part I

(based on ruling 74082 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: [We will deal with this case's two elements of dissatisfaction separately.] The defendants (=def) are, respectively, suppliers of *arba minim* (def2) and the organizer of a "buyer's group" (def1) to rent the courtyard of a public building (=buil) for over a dozen stands for selling *arba minim* for three years. There were four empty locations for Sukkot 5774, and def1 raffled them to others. The plaintiffs (=pl; pl1 & pl2 are friends who made a joint claim) won and rented locations for 3,500 NIS for one buying season plus a 500 NIS fee for advertisements (members of the group were exempt from that fee). Pl lost money on the sales, which they blame on def. Def1 provided a map of the premises with 17 sales points. In fact, there were 18, as "the infiltrator" (=inf) operated #18 and an illegal stand on the sidewalk in front of the courtyard; the latter sold at least 100,000 NIS of merchandise. Pl hold def1 responsible for enabling inf to operate in both locations and not telling buyers about them, as inf received electricity from buil, and def1 did not agree to call the police as pl1 requested. Also, def1 added an extra table to his stand on the last day, which prompted inf to start a "price war" that lowered revenue. The claims, for each pl, are: 1,000 NIS due to #18; 5,800 NIS for the sidewalk location; return of the 500 NIS for advertisement, as it was wrong to charge only the four non-group renters. Pl1 admits that he should have told renters about location 18, but explained that he agreed to prevent inf, who has connections with buil, to obtain the whole area, which would have enabled him to raise stand prices. He claims that for years there has been a sidewalk stand, operated by a criminal, so that pl1 who worked there previous years, should have known. Def1 had no way of knowing that the criminal would rent it to inf, or that inf would make improvements. About the price war, all were invited to bring an extra table for the last day, and he is not responsible for inf's actions.

Ruling: Def1 admits the rental was done with misinformation (about #18). However, it is unlikely that pl would not have rented locations had they known of one extra seller. Claims of moderate overpaying do not apply to real estate (Shulchan Aruch, Choshen Mishpat 227:32), but they do apply to quantitatively fallacious representation. However, if one said he was selling 100 units and he sold 99, we do not void the sale, but make the seller provide the additional unit. Even if we believe pl that they wanted to back out, since they could not do so because they already bought merchandise, we cannot void the sale. Therefore, we should apply the following *halacha*: One who sold meat under the presumption that it came from a castrated ram and it came from a non-castrated one, the seller must return the price differential. We estimate the differential is 500 NIS per location, as flooding a market can cause more than proportional damage.

Regarding the illegal location, pl1 should have known from past experience. Pl1 brought in pl2, and therefore we should assume that he also knew. Additionally, pl were offered to read the contract between buil and def1, which hints at the existence of intruders. Therefore, the sidewalk stand was an "open blemish," for which one may not claim misinformed consent (Ketubot 75a).

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