



Harav Shaul Israeli zt"l  
Founder and President

### Reasons behind the Prohibition of Sowing Mixed Seeds

Harav Shaul Yisraeli – from Siach Shaul 337-339

According to Rashi (Vayikra 19:19), the prohibition of sowing mixed seeds is included in the divine decrees without a known reason. According to the Ramban (ad loc.), the prohibitions of mixing seeds and of crossbreeding animals are not listed among prohibitions without a known source and which the nations scoff at. The Ramban explains: "When one combines two different species and weakens the Creation, it is as if he thinks that Hashem did not fully complete the world but that we need to help with Creation. Although the logic is more compelling regarding crossbreeding animals, sowing seeds one next to the other also causes "a change in their taste and their form, as they are nourished one from the other." The Sefer Hachinuch (#244) says similarly – Hashem made the world perfectly so that each species should produce its own fruit and one should not mix species and take away from Hashem's will and His blessing to each species.

If the logic is in the mixing of nutrition one from the other, how could the Rabbis permit it when it does not appear that they are planted together? Why should they treat it like something that is only forbidden due to *marit ayin* (appearance of sin)?

Apparently, that which is forbidden is the human involvement in having the different species interact and not what happens on its own as the plants grow. (This is similar to crossbreeding animals, which is forbidden only when man is involved in the act of mating, but when the animals join together on their own, there is no need to separate them.)

This fits well with what the Ramban says that a person should not think that Hashem did not complete His creation. Therefore, when a person does it in a way that it does not look like he is trying to combine the species, it is as if man is not doing the action of combining but it happens on its own.

The Rambam says that these prohibitions are to distance us from idolatry, as mixing species was connected to acts of promiscuity done as part of idolatrous service. This most directly relates to crossbreeding animals, although similar phenomena with mixing of species were also included. This explains why the full prohibitions anywhere in the world are only regarding animals. The Rambam also saw the mixing of seeds including grapes as related to the customs of the gentiles (Moreh Nevuchim 3:37).

Even according to the Rambam, even if the reason of idolatry is no longer connected to these actions, once the *mitzva* was given, it remains in full force forever. As *Chazal* said, the reasons behind *mitzvot* were not stated explicitly because the reasoning given for two *mitzvot* caused two great people to stumble as a result (Sanhedrin 21b).

All the reasons that different great rabbis suggested are just that, suggestions, and while we may conjecture, one must not say that he has reached THE truth on the matter. Even according to the opinion that "we may derive the reason of the *mitzvot*," this is only when *Chazal* stipulate what the reason is (see Kesef Mishneh, Issurei Bi'ah 12:1; Lechem Mishneh, Milveh 3:1).

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# Ask the Rabbi

by Rav Daniel Mann

## Counting *Sefira* Somewhat Early

**Question:** My *shul* davens *Mincha* right before sunset and *Ma'ariv* right after it. During the *sefira* period, may I rely on *sefirat ha'omer* done at that time?

**Answer:** We find different starting times for *mitzvot* of the night/next halachic day. The time for evening *Kri'at Shema* is *tzeit hakochavim* (=tzhk; the emergence of three stars) (Berachot 2a; Shulchan Aruch, Orach Chayim 235:1). The main *mitzvot* of *Seder* night are also from *tzhk* (Rosh, Pesachim 10:2). In contrast, one may make *Kiddush* on Shabbat from *plag hamincha*, well before sunset (Shulchan Aruch, OC 267:2), and according to many, can also daven *Ma'ariv* then (Berachot 27a; Shulchan Aruch and Rama, OC 233:1).

Regarding *sefirat ha'omer*, the Rashba (Shut I:154) posits that counting while it is still daytime is worthless, because the number day counted is wrong, and one must repeat it at night. He and the Shulchan Aruch (OC 489:2) say that “those who are careful” count after *tzhk*.

However, there are halachic indications for leeway. The Avudraham (see Beit Yosef, OC 489), says that one who davens in a *minyan* for *Ma'ariv* before the end of the day, counts with them without a *beracha* and should plan to repeat the counting at night with a *beracha*. He explains that he should do this with intention that if he forgets to repeat it later, the earlier counting can be of some value. The Beit Yosef is skeptical of this condition's efficacy, but he cites the *halacha* anyway (Shulchan Aruch *ibid.* 3). The assumption, though, is that we do not want to rely on the early *sefira*.

However, regarding *bein hashemashot* (=bhsh), between sunset and *tzhk*, there is significant room for leniency, especially because it is likely that *sefirat ha'omer* in our times, when no *korban ha'omer* is brought, is only a Rabbinic obligation (see Tosafot, Menachot 66a; the Rambam, Temidin 7:24 posits it is still from the Torah.) The Magen Avraham (489:6) says one who counted during *bhsh* fulfills the *mitzva*. The Mishna Berura (489:14) explains that since *bhsh* is a *safek* of whether it is night or day and since we assume the *mitzva* is Rabbinic, leniency is understandable.

However, many *poskim* frown upon counting during *bhsh*. Some warn against dismissing the Rambam's opinion that the *mitzva* is still from the Torah (see Eliya Rabba 489:10). Others point out that we avoid relying on doubts regarding Rabbinic *mitzvot* when we can do them without doubt; this is especially so when a *beracha* is involved and when one night of invalid *sefira* can disqualify future nights' *sefira* and their *berachot* (see Divrei Yatziv, OC 214).

The exact time of your *shul's sefira* can be impactful. The earliest time that might be *tzhk* is 13.5 minutes after sunset (there are different opinions, by a few minutes, of when sunset is in hilly regions); many posit that *tzeit* is approximately 20 minutes after sunset. On the other hand, according to Rabbeinu Tam's approach (albeit our communities mainly do not factor it in to their decisions), *bhsh* starts only around an hour after sunset.

There are often strong communal reasons to have no break or a short one between *Mincha* and *Ma'ariv*, and these can justify an earlier than ideal *sefirat ha'omer*. For the individual, the best practice from a purist perspective is to count on the basis of the “*sefira* leader's” *beracha* (who should have in mind to be *motzi* anyone who wants/needs it – see Pri Chadash, OC 489:8) and then repeat the *sefira* without a *beracha* when it is definitely time. This is different from the Avudraham above who had people do their main *sefira* at night without a *minyan* and the earlier counting was “just in case.” Here, we assume the main counting is during *bhsh* with the *tzibbur* (it is generally better to count with the *tzibbur* – see Ba'er Heitev, OC 489:20; Minchat Yitzchak IX:56) and the repetition is in case it had been too early. Nowadays, if one uses apps and alarms to remind him to count, there is little room for concern. If one is self-conscious about just answering *amen* or fears it can be divisive, he may join the community's practice and make the *beracha* during *bhsh*.

### “Behind the Scenes” Zoom shiur

Eretz Hemdah is offering the readership to join in Rabbi Mann's weekly Zoom sessions, analyzing with him the sources and thought process behind past and future responses. Email us at [info@erezhemdah.org](mailto:info@erezhemdah.org) to sign up (free) or for more information on joining the group.

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



# Igrot HaRe'aya - Letters of Rav Kook

## Forming a Council in Wadi Hanin – #209,210,214,215

**Date and Place:** 23 Tamuz – 10 Menachem Av 5669 (1909), Rechovot

**Background:** Part of the city of Ness Tziona is situated on land that Reuven Lerer, a religious Jew from Odessa, purchased in 1882 in an area called Wadi Hanin. Over the years, others joined him and bought land from him. At the time, the community was called the *Moshava* of Wadi Hanin. The letters make it clear that they were experiencing growing pains. On his trip to the *moshavot*, Rav Kook stopped by and took action to help them.

**Letter #1:** To Mr. Brill, supervisor of *moshavot* for the Jewish Colonization Association.

I am honored to inform you that I was in Wadi Hanin and found it necessary to call for the choosing of a council, as the *moshava* is in tatters, after being without a council for quite a while. A council was formed based on the vote of participants based on the announcement, according to the law and Torah rules.

I therefore request of the secretariat to recognize the council's authority to run properly the *moshava's* affairs.

**Letter #2:** To the residents of Wadi Hanin.

I request of the residents of Wadi Hanin that all who agree to the council that was chosen at this past *Motzaei Shabbat's* meeting, should sign the meeting minutes to confirm the council's authority. This will enable the *moshava's* proper administration, from a position of peace, for at least a month, until another two members will be added to the council, if it is deemed important, as I expressed my opinion this week, with the council's permission.

**Letter #3:** To the Council of Wadi Hanin.

I received your letter and am very pained by the confusion in the *moshava*.

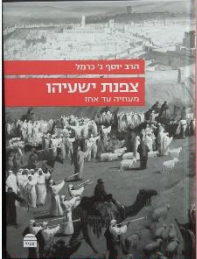
I am hereby informing publicly that I do not want to get involved in any *moshava* in matters that did not come to me through the council. However, that is true when the *moshava* acts like *moshavot*, with an organized council. When I found the *moshava* without one, I was compelled to do what I did. However, even now, if by majority decision of the *moshava's* general assembly, they will choose a different council, I will not go against the will of the community's majority. Unless the general assembly chooses a council, there is no one to whom one can give the *moshava's* seal and ledgers. However, if a choice will be made based on the path of peace, I trust you that you are interested in the *moshava's* welfare and you will strengthen the peace by handing the seal and books at that time to the certified council, chosen by majority.

This is what I advise you to do, for your good and the general good of the *moshava*.

**Letter #4:** To the *Moshava* of Wadi Hanin.

I requesting of you honorable people to join together in unison to make order and a united leadership for the *moshava*. I was compelled to certify the council I arranged to be chosen at the meeting I called when I was in the *moshava* not because of an inclination toward asserting power over any *moshava's* internal affairs. I am happy being a servant of Hashem's nation who live in Zion, and I want only that they have honor and an improved situation. Only when I saw the *moshava* in ruins, without leadership, was I compelled to get involved.

I now request that if the community wants to choose a different council, they should organize a general assembly of the residents. Whatever they choose, so shall it be; may Hashem grant your efforts success. You should also try to keep Tel Aviv (a neighborhood of laborers in the *moshava*) in contact with the *moshava*. We must show the whole nation that our interest is in unifying and connecting the members of our nation to the Holy Land, not dividing brethren. Therefore, the general assembly should incorporate members of Tel Aviv in the council. Only then, when the general assembly forms a council will the present council hand over the seal to the incoming, chosen council. Until a new council is confirmed, no individuals may take control of the books and seal without the community's authorization.



**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

## Claims on the Return of a Rental Apartment

(based on ruling 83012 of the Eretz Hemdah-Gazit Rabbinical Courts)

**Case:** The plaintiffs (=pl) rented out their apartment to the defendants (=def) with two one-year contracts. Pl sued def due to their dissatisfaction with the way def left the apartment. Based on the contract, pl demands 800 NIS for each of the eight days that def vacated the apartment late. Def responds that they were going to vacate four days late, after pl's representative said that there was a grace period of three days without charge, but that because pl's representative (=drep) changed the lock of the apartment, they had to cancel the movers. Pl is also suing for def not painting the apartment. While the contract did not mention the need, it required returning the apartment in the condition it was received (i.e., freshly painted), and common practice is also to paint. Pl also complained about the lack of cleanliness, which the contract required. Def provided a video going through much of the apartment and showing basic cleanliness and claimed that it was cleaner than when they received it, but pl claimed that there were dirty walls and dusty shelves, etc. Def countersued for the problem of water leakage that made a sizable portion of the apartment unusable during much of the year. Def documented complaining, and nothing was done about it.

**Ruling:** Late vacating: Pl claims that the three-day grace period does not exempt for the first three days if def stayed longer than three days. Either way of understanding the grace period is plausible. Since there was a definite contractual obligation and only a possible exemption, pl deserves payment for all the late days. *Beit din* is not convinced that the changing of the locks prevented def from arranging for movers to come in coordination with drep. However, we will not levy the full 800 NIS daily payment at a time when def was unable to use the apartment for living; we will suffice with the prorated price of rent.

Painting and cleanliness: Def is exempt from painting. There is not a strong enough practice of painting at the end of a rental to obligate in cases in which the landlord does not bother to put it in the contract. As far as returning it in the same condition, since it mentions that this excludes normal wear and tear, the need for painting is included in that category of exemption. The contract also does not mention a need for an immaculate professional cleaning, and therefore there is no charge for that either, based on the sides' claims and the video.

Counterclaim about water leakage: Def did (as documented) complain about the water problems, especially in between the contracts. However, when the contract was made for the second year without including compensation for lack of usage for the first year, there is an implicit waiving of any claims for that year. The communications related to the negotiations show that these complaints were used as grounds not to raise the rent for the second year, in which case, def cannot now retroactively use it to further reduce the rent under what was agreed upon.

Comments or questions regarding articles can be sent to: [info@erezhemdah.org](mailto:info@erezhemdah.org)

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