



Harav Shaul Israeli zt"l
Founder and President

Unfortunate Disbelief in the Coexistence of Opposites

Address by Harav Shaul Yisraeli, 1988 – from Siach Shaul, p. 388-390

Rashi explains the inquiry that the spies were to make, "Is there a tree in [the Land] or is there none?" (Bamidbar 13:20) to mean: "Is there among them a proper person, who can protect them through his merit."

We see then that in addition to the questions about the Land's physical characteristics, Rashi understood that they were also to investigate spiritual matters, which confused the spies. How could such different elements coexist? In truth, not only must there be a "kingdom of priests," but also a "holy nation." The nation has foundations of the spirit, so that even when people are involved in agricultural work, it does not remove them from spiritual feelings. As long as a connection is maintained between the two elements, physical activities will not become mundane.

The spies scared the people: "They are stronger than we" (ibid. 31) [in the spiritual realm]. This is a mistake. It is true that when Israel deteriorates, it can be extreme, as the *gemara* (Sanhedrin 39b) says, "You [Israel] did not do like the most refined [among the nations], but did like the immoral among them." However, if our kingdom of priests has Torah scholars who fulfill their responsibilities, there is a way to emerge from these problems.

Recent events support the spies' approach. We see estrangement not only from Sinai but from all the foundations of our past. It is not a struggle against a certain religious law, but a struggle to totally break from our entire history and create a new nation that does not want a connection to the traditions of its forebears or to spirituality, but to be assimilated among other nations and worry only about present concerns.

(Ed. note – This was written at a time when the effort to legislate liberal "basic laws" was beginning to take shape.) Talk of democracy is a facade for blurring our uniqueness and allowing doing whatever they desire. If there were a sincere concern for man's human dignity, then they would treat those with spiritual philosophies better than they are. Rather, these people "cry about family matters," including their distress over children who decide to become religious. They are embarrassed of their lineage. We must ask: What has happened? Were the spies correct?

However, things are different than they appear. The anti-religious sentiment is a backlash to the *teshuvah* movement, which shakes the hearts of those whose children rejected their teachings. This movement shows that the Jewish soul is not satisfied with the world's vanities and physicality, but seeks elevation. Even if one is distant, he still is drawn to light and internal renewal, and to a holy atmosphere rather than games. This angers and scares the anti-religious.

We can understand this from a place of calm, confidence, and patience. Our patience does not stem from accepting the present situation, but in the confidence that we are in a process that leads to light. We do not need to fight but to be calm with the belief that "Hashem will fight for us" (see Shemot 14:14). What we see are, the last gasps of a movement that seeks to separate us from everything that is sacred, as it sees its wall crumbling.

"These started to cry, whereas Rabbi Akiva was laughing" (see Makkot 24a).

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



Ask the Rabbi

by Rav Daniel Mann

Eating Meat at a Table with Incidentally Placed Milk Food

Question: I know that it is forbidden to eat *fleishig* food when others are eating *milchig* food. If the milk food is not there in the context of eating but, for example, someone put it there while reorganizing the refrigerator, may I eat meat at that time?

Answer: We have not found discussion of your interesting case, but an answer apparently emerges by analyzing the underlying principles and “listening to the silence.”

The topic begins with *mishnayot* (Chulin 103b & 104b) that rule that one must not eat meat at a table that has cheese on it, but may have these foods side-by-side on a table at which food is being prepared. The Shulchan Aruch (Yoreh Deah 88:1, based on Rambam, Ma’achalot Assurot 9:20) explains that the concern is that one might end up eating the two foods together. (Rashi ad loc. speaks about eating one after it is soiled by the other.) Another *mishna* (ibid. 107b, according to the *gemara* ibid.) says that two people who do not know each other may eat *milchig* and *fleishig* at the same table (implying that if they know each other, it is forbidden – Shulchan Aruch ibid. 2). The logic is that we do not suspect that one will eat the other’s food.

Your case falls between those of the *mishnayot*, as follows. 1. On the one hand, you are eating and not merely working with food, but on the other hand, the second food is not being eaten. 2. While in your case, there is no one else eating who may interest you in the other type of food, there is also no one eating the other food who may stop you from eating it.

According to the Shulchan Aruch’s reasoning (he may eat the other food), if he is eating and there is available food, the fact that the second food is not being eaten now (#1) does not seem to take away the temptation of eating it. Regarding the absence of a second person (#2), we find in *poskim*, including the Chochmat Adam (40:11), that the problem is at least as bad when one is eating alone.

Does intention take away the concern that he might eat anyway? Lack of explicit sources for such a distinction is a strong indicator that we cannot create one. Furthermore, in the regular forbidden case, a *kashrut*-observant person who is eating meat is not planning to eat *milchig* food for hours, and still Halacha forbids it to be on his table. The argument to reject this leniency is also strengthened by the *gemara* (ibid. 107b), which explicitly applies to this prohibition the concept of *lo plug* (we apply the Halacha broadly even to specific cases where the logic does not fully apply).

There are, though, acceptable leniencies found in the *gemara* and *poskim* regarding this *halacha*. The *gemara* (Chulin 107b) says that the prohibition is only when the two people are eating in one “*tefisa*.” Most *Rishonim* (see Tosafot ad loc.; Beit Yosef, Orach Chayim 173) say that this means that if there is a noticeable separator (*heker*) between the two foods, it is permitted (we assume it applies even when a person is eating alone (see Chochmat Adam ibid.)). This includes having one eating on a different surface (e.g., via a tablecloth or place mat) than the other (Rama, YD 88:2). Placing objects with some height that are not usually on the table also helps (see ibid., Taz ad loc. 4). Also, the Pitchei Teshuva (ad loc. 3) rules that it is permitted when the other food is far enough away that one cannot reach it without getting up.

There may be further leniency in a case where the other food is still packaged, as Rashi’s reason about food getting soiled would not apply. While Badei Hashulchan (88:6) is stringent, there is an opinion (Rashash, Chulin 103b) that it is permitted to eat one type of food when the other one is in a utensil (i.e., it is unlikely the foods will touch). If the food is on the table in a way that it is clear to all that it is not to be eaten now (e.g., it is in a supermarket bag along with other foods), then arguably the situation serves as a *heker*. However, since these are conjectures and the accepted solutions are easily accomplished, one should avail himself of the standard solutions.

“Behind the Scenes” Zoom shiur

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Igrot HaRe'aya - Letters of Rav Kook

Financial Help for an Underappreciated Kabbalist – #231

Date and Place: 7 Marcheshvan 5670 (1909), Yafo

Recipient: Rav Nachum Rogoznitzki and Rav Yechiel Michel Tukachinsky, the administrators of the Etz Chayim Yeshiva in Jerusalem.

Body: I am presently forced to go beyond the bounds I usually set for myself. This is because I feel obligated to point out and awaken your distinguished hearts regarding the welfare of a very great and dear person, who is a great rabbi, with unique expertise in Kabbalistic knowledge and with wisdom that is steeped in pure fear of Hashem. I am referring to our master, Rav Shimon Zvi Horowitz, may he be well, who lives a life of sorrow and difficulty. Presently, his expenses have increased, as he has needed to take his son-in-law into his house.

I know reliably that if his greatness in the revealed areas of the Torah were valued like those in the area of Kabbala, then everyone would realize his stature. Indeed, he has great knowledge and an ability to analyze, to compare sources and organize them, as one should, with broad knowledge as is appropriate for such an excellent scholar, who is among the elite scholars of our time. If people appreciated his greatness, they would try to expand his resources and provide him with that which he lacks, with honor, as they do for the scholars of your holy *yeshiva*.

The problem is that whoever is greater than his fellow is more vulnerable than he. Also, the more degraded the stature of the holy Torah, as it is in this lowly time (from which we will be elevated with Hashem's help), all the more so is the stature of the "soul of the Torah" (presumably, Torah scholars) more degraded. The survivors, to whom Hashem gave the spirit to have a special affinity for learning knowledge of Hashem and His greatness, based on the foundations and highest, most reliable paths that have been passed on to us by our fathers who received Hashem's secrets, are the most degraded. They are not appropriately regarded even among those who revere Torah.

However, we must stand strongly against this tendency, especially in our holy and glorious city, the place where prophecies occurred, and where it is proper that there will be more people who understand Hashem on a special level. Those who have an internal tendency toward the wisdom of truth and authentic *Kabbala* should be particularly cherished and supported with honor, so that the number of such people will increase and there be more understanding of Hashem, which is a most coveted situation.

Therefore, I think it is proper that you respected rabbis will strive to improve the situation of this very excellent expert in the secrets of the Torah. There are two goals, in my opinion: One is to extricate a wonderful Torah scholar from difficulties. The other is to give honor to the involvement in the secrets of the Torah, as our liberation depends on this, along with, certainly, the strengthening of the study of all areas of Torah study. However, those who are unique in their entering the depths of the study of divinity are worthy to be supported in a manner that shows respect to their sanctity.

I hope that my few words will bear fruit, and the hearts of wise men like you will give honor to knowledge in a manner that will expand and glorify the Torah so that it will stand like a crown and a thing of splendor.

We daven for a complete and speedy *refuah* for:

Nir Rephael ben Rachel Bracha
Ori Leah bat Chaya Temima

Arye Yitzchak ben Geula Miriam
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Neta bat Malka
Meira bat Esther

Together with all *cholei* Yisrael

P'ninat Mishpat

Disagreements over Renovations – part I

(based on ruling 82142 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The defendant (=def), owner of an old building, had elaborate architectural/engineering plans drawn up to renovate his building. The plaintiff (=pl), a contractor, reviewed the plans, and submitted a detailed (line-by-line pricing per element) estimate for the project of approximately 150,000 NIS plus VAT, which def accepted. After pl mainly finished the work and was paid 110,000 NIS, def raised complaints and discontinued pl's work. Pl demands additional money for almost finishing the job plus additional money for work done that was not included in the estimate. Def refuses to pay for the "additional work" that appeared in the architectural plans, which pl used as the basis for his estimate. Def also countersued for faulty work. (*Ed. note – we will not present the latter very technical topic*).

Ruling: Is the price estimate binding? Def claimed that the estimate is not legally binding. In general, Halacha requires a *kinyan* (act of finalization) in order to make an agreement between parties fully binding. Regarding the hiring of a worker, the beginning of the work serves as a *kinyan*. This is so even if the agreement was only oral (Tashbetz I:64), and not only can the sides not back out, but specific agreements about elements of the work and remuneration are also binding. The prices found in the estimate are therefore definitely binding, and all the more so after the work was completed, as def agreed that pl worked in accordance with the detailed price estimate. (In fact, the recipient of a service is required to pay for benefit provided to him even without an agreement.)

Was pl required to follow all of the specifications of the architectural plans? There is no question that the plans were the basis for pl's planning and carrying out the job. Therefore, def claims that the price estimate served just as pricing and a summary for the binding basis, the plans, and pl cannot demand extra payment. Def also demonstrated that there were things that were not mentioned in the estimate that pl did without charging extra.

Beit din rejected def's claims based on the following arguments that pl raised. Def received price estimates from multiple contractors. Pl presented the lowest estimate, and because it is both detailed and has a price for each element, it cannot be claimed that the bottom-line figure is global for the architectural plans. Def thus chose the combination of extent of work and price that pl provided. Indeed, not all plans received are followed to the fullest extent, especially when cost-cutting is a factor. Regarding those lines in which the estimate mentions that it is to be carried out according to the plans, the plans are binding in their full detail, but not regarding elements in which there is no reference to the plans. It is possible that def misunderstood pl's intention, but in such a case, the written word is the determinant. On the other hand, *beit din* dealt with pl's demand for additional pay for things not in the estimate on a item-by-item basis.

We will continue next time with other elements of the case.

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