



HEMDAT YAMIM

חמדת ימים

Parashat Hashavua

Ki Tavo, Elul 18 5784

Harav Shaul Israeli zt"l
Founder and President

The Code of Jerusalem

Harav Yosef Carmel

King David proclaimed that Yerushalayim was the place where the *Beit Hamikdash* would be built. He was also the first king of Israel to establish an independent state for all twelve tribes, with Yerushalayim as its capital. Until his days, the city had no spiritual or political significance. David and his son Shlomo built the city, also as a political center, as a city dedicated to helping unify the whole nation and eventually unify all of humanity spiritually (see Yeshayahu 2:1-4; Micha 4:1-5).

Yerushalayim is mentioned many hundreds of times in *Tanach* but never by name in the Torah. *P'sukim* from *Parashat Ki Tavo* demonstrate the Torah's code words for what would prove to be Yerushalayim, and why those words were chosen. The term "the place that Hashem will choose" is stressed in Devarim 12. It does not explain, though, what the place is and what is special about it. As our teacher, Nechama (Leibowitz), taught us, we will find the instructive word(s) that hold the key.

The letters *sin/shin mem* are found eleven times in the most central section of the description of a place for Hashem's Presence to dwell and the place to worship Him (Devarim 12:5-14), with different forms and meanings – *sham*, *shama* (there); *shmo* (His Name), *lasum* (to place). The word *makom* (place) appears three times. We find these words/roots in Devarim 16, regarding the Pascal lamb, as well as in our *parasha* (Devarim 26:1-2). These words' appearance regarding Yaakov's dream in *Sefer Bereishit* likely tipped off *Chazal* and many commentaries to identify the location as Yerushalayim.

Makom can refer to a geographical place, but *Chazal* also saw it as a reference to Hashem. In the context of Yaakov's dream, a *midrash* explains it as Yaakov praying to Hashem (Bereishit Rabba 68:9). It explains that He is called a *makom* (place) because He is the *makom* of the world, and the world is not His *makom* (does not delineate Him). This powerful word, then, teaches that one needs to find the physical place behind the spiritual phenomenon, especially the "meeting" with Hashem.

The words *sham*, *shama*, *shem*, and *shmo* are also profound. One can argue that the word *shamayim* (heaven) is the plural of the word *sham* (there). It can mean that from a geographical perspective, it is "there," i.e., not on the land, and in the spiritual context, it is a reference to Hashem, for when we want to "meet" with Him, we turn to the heavens. The place of the *Mikdash* in Yerushalayim is the *makom* where the physical land meets the spiritual *shamayim*. Therefore, when David found out the special quality of this location, he understood that this is the place to build the *Beit Hamikdash*. That is why in the section of *Tanach* in which we see how the location is chosen, it says: "David raised his eyes and saw the angel of Hashem standing **between the land and the sky**" (Divrei Hayamim I, 21:16).

The task of the *Beit Hamikdash* is to connect, especially between Hashem and *Am Yisrael*. Yerushalayim functions on two levels, Yerushalayim of above and Yerushalayim of below (see Tehillim 122:3). It also connects the whole Nation of Israel, at every time and in every place. Let us join in "building the *Mikdash*" by uniting *Am Yisrael*. Let us stress that which connects us, and handle our disagreements with mutual respect and unbounded love.

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

Ask the Rabbi

by Rav Daniel Mann

Things that End the Meal and Ramifications

Question: When do we say that thinking or doing things that indicate the end of a bread meal make it necessary to make a *beracha* before eating more?

Answer: There are many permutations to this question. We will deal with the basic understanding and some of the more practical and instructive cases.

The *gemara* (Berachot 42a) cites varied opinions as to whether after reaching the end of a meal one is allowed to eat and concludes that only if one washes *mayim acharonim* must one proceed directly to *Birkat Hamazon*. The logic it provides for this conclusion is that we say: “Immediately after *netilat yadayim* (Rashi – i.e., *mayim acharonim*) must come a *beracha* (ibid. – *Birkat Hamazon*).” A different *gemara* (Pesachim 103a) says that if one says “*Hav lan v'nivrich*,” it becomes forbidden to drink because “they have taken their mind off” of eating. “*Hav lan v'nivrich*” means to bring wine to use for *Birkat Hamazon* but includes equivalent statements of imminent *bentching* (see Mishna Berura 179:3), but not preliminary statements like “It’s getting late; it’s time to *bentch*” (see Piskei Teshuvot 179:(4)). It must be said by someone who is “authorized” to end the meal, so that if there is a host, it must have been said by him (Shulchan Aruch, Orach Chayim 179:2).

Rashi (ad loc.) says that after “*Hav lan v'nivrich*” he mustn’t eat until after *Birkat Hamazon*, while others (see Beit Yosef, OC 179) say that taking the mind off eating only makes it necessary to make a *beracha rishona* before continuing eating, but that this can be done before *Birkat Hamazon*. The Shulchan Aruch (OC 179:1) accepts the opinion that distinguishes between *mayim acharonim* and prompting *Birkat Hamazon* verbally. If one does *mayim acharonim*, he must *bentch* before eating any more. If he verbally announces *Birkat Hamazon*, he can eat before it, but he has to make a new *beracha rishona* beforehand. This might be true of a clear decision to not eat anymore before *Birkat Hamazon* (Mishna Berura 179:3; see Be’ur Halacha ad loc.).

The problem in implementing these *halachot* (other than that of *mayim acharonim*) is that there are both *machloket* and gray areas. First, the Shulchan Aruch (ibid.) cites a *machloket* whether the requirement of a new *beracha* is only for drinking or even for eating. It is not fully clear how the *Acharonim* decide the matter, and the matter is complicated by the rule of *safek berachot l’hakel* (Bi’ur Halacha ad loc.). In other words, there are enough opinions that an additional *beracha* is not needed for us to want to avoid the *berachot*. On the other hand, it is not a simple matter to eat without a *beracha* that is likely called for. Therefore, the most recommended thing to do is to refrain from eating additional foods from the time that is apparently considered *hesech hada’at* from the meal until after *Birkat Hamazon*. One might claim that this waiting until after *Birkat Hamazon*, when a *beracha* is definitely needed, creates a *beracha she’eina tzricha* (an appropriate *beracha* under the circumstances, but the situation was created artificially). However, it is a legitimate step to set up the situation to avoid a doubt on *berachot*, so that the *beracha* is fine (Pri Megadim, Pticha L’hilchot Berachot 10).

A decision to stop without action/verbalization is not only questionable halachically, but it is also difficult to determine when a decision is resolute (see Dirshu 179:6 in the name of Rav Elyashiv). Therefore, if one likes eating with discipline, he should avoid changing his mind, but it is wiser to train himself that his thought process is not binding until he *bentches*.

Arguably, reciting *Shir Hama’alot* is a clear sign of an imminent *Birkat Hamazon*. However, several *poskim* do not think *Shir Hama’alot* precludes eating without a new *beracha* (see B’tzel Hachochma VI:68; Dirshu 179:4). The fact that its recitation is a **relatively** recent *minhag* (see Mishna Berura 1:11) as opposed to a Talmudic pre-*Birkat-Hamazon* halacha of *mayim acharonim*, may strengthen the view that it is not a binding commitment to an immediate *Birkat Hamazon*.

“Behind the Scenes” Zoom shiur

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



Igrot HaRe'aya - Letters of Rav Kook

Maintaining a Friendship of the Spirit – #266 – part III

Date and Place: 11 Shevat 5670, Yafo

Recipient: Rav Pinchas Hakohen Lintop, the rabbi of a Chassidic community in Lithuania. He had learned *Kabbala* with Rav Kook when Rav Kook was in Boisk. The two were very deep and like-minded thinkers. We have previously seen a letter between them (#184), written a year earlier.

Body: [The discussion had just turned to philosophical matters. In the background, Rav Lintop apparently critiqued Rav Kook's recent article, "Derech Hatechiya"]

The feeling of belief in Hashem, which is so strong, comes first. We need to strengthen it specifically at this time to make it as broad, general, and all-encompassing as can be. Afterward, we can begin clarifying concepts that have developed to the left and to the right. This requires extracting the impurities that lost their efficacy when they strayed too far. It also requires removing internal chaff from the estate of Jacob, the pure man who is missing nothing. It even has the substance that "draws out the undesirable parts of a pot of food, which it absorbed during cooking." It is worthwhile to maintain the nation's honor and present its impurities to it in privacy, so that it can maintain its ability to march forward with valor, using its spirit, which knows its purity and truthfulness.

However, why should I speak in this venue (i.e., his recent article) about the difference between humanity in general and the unique nation and between the collective and its individuals. All of these points are special subsets of the overall enquiry; they are very appropriate when the time comes for details, but they have no special place when one first just looks into basic, broad ideas. The specific distinctions melt away when the overarching generalities shine in bright light. It is not that the individuals melt away or that "existence" gets any closer to earth, as Hashem is "a sun and a protector" (Tehillim 84:12), and Hashem "created the world to be inhabited, not to be void" (Yeshayahu 45:18).

However, the contrasting differences are responsible for a situation whereby every individual interferes with his peer, every piece of logic contradicts another, each group has a certain enmity toward a different group, and each individual has the attitude of "I alone shall rule." This form of void can be fixed by shining objectivity [at the misconceivers]. The divisive people who damage the world and commit iniquities cannot look at all-inclusive light and are broken by the power of their own destructiveness.

We must present many high-quality introductions before we make the world capable of understanding how special Hashem's revelations through miracles are. The divine good, stands strongly in the heart of the only nation which, from its inception, carries Hashem's banner and prepares the world to recognize the phenomenon of miracles. It is a pity that there should be a spiritual leader whose soul is not connected to the light of Hashem's wonders that were done in the past and does not look forward to see their light in the future.

[We should understand] the gradual manner in which the spirit of life will return to the heart of our nation, which is fainting with a thirst for the clearly pronounced word of Hashem. It is through the straightening of the path of the wellspring of life which flows through the nature of the Jewish soul. This is connected to the belief, from the nation's infancy, in unfathomable miracles, which can exist even during historical developments that hide the light of Hashem. These too are revelations of Hashem in the physical and spiritual world, as the world progresses in straightforward and complex ways. We must constantly have the inclination to appreciate goodness. The divine goodness that is revealed through harsh judgment will, in the future, appear with lightning bolts of glowing light more powerful than the superficial good that is revealed from sentimental love that will not conquer the paths of life or lead human society in all the ways of its life.

We continue next time.

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P'ninat Mishpat

A Flawed Used Car – part I

(based on ruling 82171 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The plaintiff (=pl) bought a car from the defendant (=def). Def reported shortcomings of the car and sold it for less than the catalogue price. Pl did not have it checked out professionally. On the trip home from the purchase, pl noticed noises from the back of the car during sharp turns and claimed problems with the shock absorbers and within a short time reported them to def. Pl wanted to return the car for a full refund, which def rejected. Pl's garage says the problem is with the differential, which needs to be replaced (it costs 4,500 NIS to put in a used one.) Def claims that he did not hear the noises described, and therefore he surmises it is a new problem. He also argues that if there were noises, pl should have heard them during his test drive, and since he did not, he cannot back out of the purchase now.

Testimony and Compromise: Beit din spoke to a neutral expert, with the sides' participation, who supports the mentioned "diagnosis" and says that such a problem does not crop up suddenly. He also says that it is common that the owner of a car would not hear such a noise.

The sides negotiated, with *beit din's* encouragement, the following compromise. Pl will keep the car in good order until Sukkot, when he will return it to def, who will sell it and give the proceeds to pl. When carrying this out, def claimed that the car was not in good shape, thus activating *beit din's* clause that it retained the power to rule if the compromise was not implemented.

Ruling: Can pl nullify the sale (*mekach ta'ut*)? Whether or not the seller was aware of a serious blemish in a sales item, the buyer can nullify the sale because he did not intend to buy such an item (Shulchan Aruch, Choshen Mishpat 232:3, 11-20). There is no strict time limit for how long after the sale the complaint is made, as long as the buyer did not use it after that point (*ibid.*). Even if he did use it, if it was in a manner that does not show the buyer relinquished the right to return the item, he can still do so (Pitchei Teshuva, CM 232:1). An example is when one rides an animal he bought and discovered a blemish when he has no available replacement. Also, if there is no agreement on the item's return, the buyer can continue using it. In this case, pl had a right to finish the trip with the car, after which he promptly informed def he wanted to return it, and until the matter was settled, his usage does not undo his ability to claim *mekach ta'ut*.

It still must be determined whether the blemish existed before the sale. If one buys an animal and it turns out some time thereafter that it is a *treifa*, the buyer must prove it occurred before the sale (Shulchan Aruch, CM 232:11). In contrast, regarding buying cheese that spoiled after the sale, the Shulchan Aruch (*ibid.* 16) says that one asks an expert if we can assume the spoilage started before the sale. The S'ma (*ibid.* 35) distinguishes between the cases – there was a status quo of completeness in the animal before the sale, whereas there is no such status quo for the cheese. We understand the difference to be between one-time acts that ruin an object, where we assume it happened later rather than earlier, and gradual processes, which we say could have started before. Therefore, based on the expert's testimony, we assume the car was flawed when bought.

We continue next time.

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