



HEMDAT YAMIM

חֶמְדָּה יָמִימִים

Parashat Hashavua

Vayikra, Nissan 7, 5785

Harav Shaul Israeli zt"l
Founder and President

Who Called Out to Whom?

Harav Yosef Carmel

Our *parasha* and *sefer* begin with, "He called (*Vayikra*) out to Moshe, and Hashem spoke to him from the Tent of Meeting." We first note that the great majority of *kri'ot* (callings), around 100 in the Torah and more than 200 in *Tanach*, mean that the recipient of the call should listen to that which is being said. The *kri'ah* may contain the name of a person or a place, and there are a small number of cases where it refers to reading from a Torah scroll. The content of our *pasuk* would have been quite the same if the calling were left out and we began with Hashem speaking to Moshe, so what does the *kri'ah* indicate here?

The *gemara* (Yoma 4b) posits that the *kri'ah* preceding Hashem's speaking is the Torah's way of teaching us good manners – a person should not speak to his friend before calling out to him. It is interesting that this lesson about relationships between man and man comes in the opening specifically of a book that deals primarily with *mitzvot* between man and Hashem. We are to remember that even if one has an important piece of information to relay, he should do it in a manner that shows respect and grace. Not only is content important; so is the way it is conveyed.

Rashi (to our *pasuk*) also relates a compliment to Moshe. Hashem related to Moshe as to one of the angels in His "entourage." We also see the element of courtesy appreciated by people: "[He used] a language of affection, language that Heavenly angels use, as it says '... they called one to the other' (Yeshayahu 6:3)." This quote appears in the *ma'aseh hamerkava*, one of the most sublime prophetic visions. We should learn that all the more so, a person who wants to impact on others should go about it by speaking to him in the proper manner.

Rabbeinu Asher, the famous halachist known as the Rosh, taught us a related lesson from our opening *pasuk*. The last letter of "*Vayikra*" is an abnormally small *aleph*, because Moshe would make himself small. Indeed, the Torah refers to Moshe as the humblest person on the face of the earth (Bamidbar 12:3). Moshe's unique trait, which distinguished him even from Aharon and Miriam, was his humility. Indeed, anyone who wants to excel in the Torah of Moshe should be armed with a nice level of this characteristic.

The Zohar (Vayeilech 285a) connects between our *pasuk* and "When I call out in Hashem's Name, ascribe greatness to our G-d" (Devarim 32:3). This connection hints at the following idea. Our *pasuk*, the "gateway" to the Torah of sacrifices, is closely connected to the general value of learning Torah (the *pasuk* in Devarim is the source of the *mitzva* to make a *beracha* before learning Torah). When we cannot bring *korbanot*, the study of Torah, which Moshe enabled, remains open. Again, in order to succeed in Torah, we need humility and the ability to relate nicely to our counterparts. Joining and helping society at large also requires us to embrace "Its ways are the ways of pleasantness" (Mishlei 3:17).

Hashem calls to us by means of Moshe and his Torah, and we call out to Hashem by learning that same Torah. May we soon merit to have the *Beit Hamikdash* in our midst, where the Divine Presence will dwell and Torah will emerge.

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Ask the Rabbi

by Rav Daniel Mann

Erev Pesach That Falls on Shabbat

Question: What do you suggest we do on *Erev Pesach* this year, which is on Shabbat, regarding when and what to eat?

Answer: Among the valid solutions to the challenges of *Erev Pesach* on Shabbat, people must determine the most practical solutions, according to the halachic possibilities their rabbis present. One practical assumption is that people will use only *Pesachdik* and/or disposable utensils, keeping remaining *chametz* separate. *Challa* is needed first two Shabbat meals and is preferred for *seuda shlishit* (Shulchan Aruch, OC 291:5), which should be held in the afternoon (ibid.:2). Since the prohibition to eat *chametz* begins after “four hours” (around two hours before halachic midday- consult a local calendar) something must give. Let’s take a meal-by-meal look.

Friday night meal - Halachically, almost anything goes. Those who don’t want to worry about keeping *chametz* around can eat *matza* according to most *poskim*. If one has the *minhag* not to eat *matza* from the beginning of Nisan, *matza ashira*, often called “egg *matza*,” is an alternative.

Shabbat morning meal - If one finishes eating *chametz* (not necessarily the whole meal) by the end of the 4th hour, accomplished by *davening* very early, matters are halachically simple. (Getting rid of crumbs or leftovers by the end of the 5th hour is solvable and beyond our present scope.) *Matza* is desirable for situations when it is hard or nerve-racking to deal with *chametz*. However, *Chazal* forbade eating *matza* on *Erev Pesach*, according to most, from the beginning of the morning, so that when we eat it at the *seder*, it will be clear that it is for the *mitzva* (see Rambam, Chametz U’matza 6:12). However, one may eat *matza* that cannot be used for the *mitzva* (Shulchan Aruch 471:2), primarily, *matza ashira*, which is kneaded with liquids other than water (see Pesachim 35a). If it contains no water, most *Rishonim* rule that it cannot become *chametz*, and one would seemingly not need to rush.

Yet there are two issues. Firstly, as Ashkenazim are stringent to treat *matza ashira* as possible *chametz*, which is permitted to eat on Pesach only in cases of great need (Rama 462:4), the time issue reawakens. (Some *poskim* rely on the Noda B’yehuda (I, OC 21) that it is sufficient to be wary of *matza ashira* only after midday of *Erev Pesach*). Secondly, *matza ashira* may have a status of *pat haba’ah b’kisnin*, similar to cake, making it a questionable substitute for *challa*. (Igrot Moshe OC I, 155 explains that this is not a problem on Shabbat, but still seems to prefer *challa* when convenient. To see Rav O. Yosef’s preferred solution, see Yechave Da’at I, 91).

Seuda shlishit (ss) - We mentioned the two preferred opinions about how normally to perform ss, which conflict this Shabbat. One is to eat bread at ss. The other is to have ss after midday, at which time *chametz* and *matza* are forbidden, and *matza ashira* problematic for Ashkenazim. The Rama (444:1) says that we eat other foods, such as fruit or meat, at this ss. The Mishna Berura (444:8) cites a different solution, of breaking up the morning meal into two, so that one can fulfill ss on *challah* or *matza ashira* at that time. He points out that there should be some break between the two meals, to avoid a problem of an unnecessary *beracha*. However, he does not say how long that should be. Opinions range from a few minutes to half an hour, with some suggesting taking a short walk in between (see Piskei Teshuvot 444:6). One who is not usually careful to have *challa* at ss throughout the year need not consider this idea. He can eat a normal ss for him (no bread) in the afternoon, preferably earlier than usual to leave a good appetite for the *seder*. Even those who are stringent about ss may follow the Rama over the Mishna Berura’s suggestion, which is somewhat counter-intuitive and not without halachic problems. Sephardim, who can use *matza ashira*, must do so before three hours before sunset (Shulchan Aruch, OC 471:2).

“Behind the Scenes” Zoom shiur

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Igrot HaRe'aya - Letters of Rav Kook

Refuting Criticism by the Ridbaz – #311 – part III

Date and Place: 19 Sivan 5670 (1910), Yafo

Recipient and Background: Rav Yaakov David Wilovsky (Ridbaz), a leading rabbi who moved to *Eretz Yisrael* and was known for being, among other things, a strong opponent of leniencies on *Shemitta*.

Body: I now respond to your argument that I have no reason to fight (promote halachic arguments) because I have already published [my book on the laws of *Shemitta*,] *Shabbat Ha'aretz*. I already told my illustrious friend that I purposely did not set out [the halachic analysis] in a fully clear manner, organized and sufficiently deep. There are certain angles and clear reasons that I totally omitted. The reason behind this is that I did not want the leniency to be too entrenched. In that way, it would always be considered a ruling for exceptional times and a matter that was permitted only due to pressing circumstances.

When one broadens the discussion along the approach of Torah analysis, in the way it has always been practiced in Jewish scholarship, the prohibition would be weakened too much, which I do not want to do under any circumstances. Although if there was an absolute need to present the matter in the clearest manner, I still would not stop pointing out on a regular basis that the leniency is for difficult circumstances to be considered anew based on the times. But still, I prefer to not get to that point, and I would leave the matter with the flimsy presentation that I gave it in the introduction [to *Shabbat Ha'aretz*].

In truth, one cannot talk, in regard to the matter of *Shemitta* in *Eretz Yisrael*, about the customary practice. After all, as long as there was little Jewish-owned [agricultural] land, there was no set custom, because there was, for a long time, a consensus that *Shemitta* does not apply to non-Jewish fields. It turns out, then, that the present Yishuv created the question, which was born together with the very difficult circumstances. When you deal with a new question, you need to include all of the levels of halachic doubt.

The doubts include the following – A. the basic obligation of *Shemitta*, whether it is from the Torah or Rabbinic [in our times]; B. The doubt about which year *Shemitta* is. (Although there is a consensus on which year to observe, it has not been clarified in a manner that there is no doubt. It is clear only that we should not observe more than one year, whereas the year was chosen based on the approach of the Rambam. That does not mean that there is no longer doubt about the year, and the doubt can be combined with other doubts [to arise at leniency]). C. Also, the fact that there is a land tax and the nature of the [Turkish] laws of land regarding ownership, which treat all the land as the property of the kingdom, making the farmer just a renter who receives 90% of the produce according to the law, and probably only 6 or 7 portions, are among the points that lead to leniency in the proper manner.

When we compare [the present situation] to the strict rulings on matters that used to be assumed to be permitted or were recently ruled on for leniency, there should not be any room whatsoever to complain about the leniencies.

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

Nir Rephael ben Rachel Bracha
Ori Leah bat Chaya Temima

Itamar Chaim ben Tzipora
Arye Yitzchak ben Geula Miriam
Tal Shaul ben Yaffa

Neta bat Malka
Meira bat Esther

Together with all *cholei Yisrael*

P'ninat Mishpat

Unsuccessful Transfer of Yeshiva – part III

(based on ruling 82138 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The defendant (=def), a non-profit run by the *rosh yeshiva* (=rydf) had run a yeshiva for years and did not want to continue due to financial and educational difficulties. They negotiated with the plaintiff (=pl), another educational non-profit, to have them take over the yeshiva at its location and pay rent to def. A written agreement was signed in June 2022. After starting to enter the educational sphere and preparing, physically and educationally, at the end of the 5782 “academic year,” pl informed the students’ parents soon before the 5783 academic year that pl would close the yeshiva. [We will present elements of the dispute in installments.] Pl cites examples of def’s breach of contract, claiming they prevented pl from continuing to operate the yeshiva. These include that: def did not tell pl they would have to pay rent also to a shul and a small school who share the building; def withheld donors’ names; def spoke against pl to students.

Ruling: Withholding potential donors’ names: Indeed, def did not provide all of the lists they committed to in the contract, but we must see if that breach is grounds to nullify the whole agreement. Pl admitted in *beit din* that the time to use a list of potential donors had not yet come when the yeshiva closed. Thus, there was no damage, and, as witnesses corroborated, it is likely that had the partnership developed healthily, def would have shared the information. Furthermore, the Ba’er Heitev (Choshen Mishpat 176:38) seems to cite two opinions on whether when one side to a partnership violates a provision of their agreement, the agreement becomes null (Lechem Rav 119), or not but that one side should take the other to *beit din* to enforce the provision (Mabit I:151). The Ba’er Heitev suggests that there is no disagreement and that it depends on the specific case. Distinctions can be whether the provision is on a primary or secondary matter, or whether the breach was one-time or ongoing. Based on the above, this breach did not nullify the agreement.

Payments to school and shul: The contract states that parts of the campus belong to others, with whom pl can agree to rent or not. Pl claims that they did not know that some of these areas are used by the yeshiva on a regular basis. Def said that they informed pl. Since the simple reading of the contract is that all areas that only the yeshiva used belong to def and the contract does not specify, the burden of proof is on def to prove they clearly informed pl. Therefore, this matter is not considered a breach of contract.

Speaking against pl: A meeting between def’s administration and student representatives took place at the end of July. According to pl, rydf incited the students against pl. Pl brought a student to testify. Def’s lawyer clearly hinted to the student before he testified that he should be afraid about his testimony. The student ended up saying that pl was discussed at the meeting, but “nothing too severe was said.” While we can infer that negative things were said, we do not have proof of anything that would be a breach of contract. (Def was fined for their lawyer’s immoral attempt to intimidate the young witness.)

We will complete the treatment of this din Torah next time.

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