



# HEMDAT YAMIM

חֶמְדָּה יָמִימִים

## Parashat Hashavua

Vayikra, Nissan 3, 5786

Harav Shaul Israeli zt"l  
Founder and President

### Re“calling” Moshe Harav Yosef Carmel

The first *yahrtzeit* of our founding Rosh Kollel and mentor, Rav Moshe Ehrenreich zt"l, is upon us. At Eretz Hemdah, one can say “From Moshe to Moshe there was no one like Moshe.” We will start with the Moshe of all of *Klal Yisrael*, Moshe Rabbeinu, who received the Torah at Sinai. We will then continue with our Rav Moshe Ehrenreich, who emulated the former.

The Ba'al Haturim, basing himself on a *midrash*, points out that the small *aleph* in the first word of our *parasha* ([Hashem] called out [to Moshe]) is a hint at Moshe's humility. It is well known that humility is a condition for greatness in Torah.

The ability to listen deeply to the call one receives is critical, and is a requirement for all great Torah scholars. This includes listening to the difficulties of others, and internalizing Torah concepts in a way that Torah can serve as a Torah of life, even in the corporeal world.

We continue with ideas from my eulogy of Rav Ehrenreich. The prophet Micha cried out: “A *chassid* was lost from the Land, and he who is upright among men is no longer” (7:2). *Chazal* applied this *pasuk* to the passing of Moshe Rabbeinu: A heavenly voice said to Moshe that he had enough in this world because the World to Come was ready for him. Hashem appeared to him as One Who prepared to receive Moshe's soul. Moshe began to beseech Hashem: You created the world with the Attribute of Mercy, and with it You lead Your nation. The voice consoled Moshe: “Your righteousness goes before you.” The angels eulogized him: “Where will we find wisdom and what is the place of insight?” The heavens cried over him, “A *chassid* was lost from the Land,” and the land cried, “...and he who is upright among men is no longer” (Avot D'Rabbi Natan II:4).

So, Moshe was wise, insightful, merciful, righteous, a *chassid*, and upright. Our mentor, Rav Moshe Ehrenreich zt"l, was Moshe Rabbeinu's disciple. He was a brilliant Torah scholar, who was sharply analytical. He also employed compassion in regard to every halachic question that came before him (including in the conversion courts). He was righteous in all his ways, and would notice the good in every person. He searched for justice as a *dayan* and taught his students of *dayanut* to do the same. He was *yashar* (upright) in the way that the Netziv described the patriarchs in his introduction to Bereishit. It is in this light that Hashem instructed Avraham to “walk before Me and be unblemished” (Bereishit 17:1), and in this way that Moshe taught Bnei Yisrael, “Be unblemished with Hashem” (Devarim 18:13).

Rav Moshe Ehrenreich was a *chassid*, not just because he grew up in a Hassidic family. Rather, his Torah was what the Yerushalmi (Terumot 8:4) called “*mishnat chassidim*.” We already learned how the angels bemoaned the loss of the *chassid*.

All of these attributes stem from the small letter *aleph*, the great humility despite his incredible achievements. May Rav Ehrenreich's memory be an inspiration to his family, his students, and all of Israel.

#### Hemdat Yamim is dedicated to the memory of Eretz Hemdah's beloved friends and Members of Eretz Hemdah's Amutah:

Rav <b>Shlomo Merzel</b> z"l Iyar 10, 5771	Rav <b>Yisrael Rozen</b> z"l Cheshvan 13, 5778	Mr. <b>Moshe Wasserzug</b> z"l Tishrei 20, 5781	Rav <b>Reuven &amp; Chaya Leah Aberman</b> z"l Tishrei 9, 5776 / Tishrei 20, 5782	Prof. <b>Yisrael &amp; Shlomit Aharoni</b> z"l Kislev 14, 5773 / Cheshvan 9, 5786
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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

## Bedikat Chametz for Guests at a Hotel

**Question:** I will be at a hotel for Pesach. When I arrive, a few hours before Pesach, should I do *bedikat chametz* (=bc), or rely on the hotel to give me a *chametz*-free room?

**Answer:** The *gemara* (Pesachim 4a) decides that when one rents a house from another Jew before Pesach, the one who has access to it on the night of *bc* is obligated in *bc*. So, since you are coming a few hours before Pesach, the hotel is obligated to do *bc*.

The *gemara* continues with a question – can one who starts renting on *erev Pesach* assume that the landlord indeed did *bc*? We rule that one may assume he did *bc* (Shulchan Aruch, Orach Chayim 437:2), but the renter must ask the landlord if he is available. So, ostensibly, if the hotel did not report they did *bc*, you should inquire.

There are a few reasons, though, why this might not be necessary. Arguably, the *hashgacha* on the hotel includes an assurance that the rooms were properly checked. While this is true in some hotels, there are definitely arrangements where the *mashgiach* is responsible for the kitchen, whereas non-rabbis are responsible for other proper halachic operation of the hotel. Just like in the *gemara*'s case one needs to ask a fine landlord whether he did *bc*, perhaps here too you must ask. Therefore, it is difficult to give clear guidance about unspecified locations.

Another sometimes valid point of leniency is that at some hotels, you may have difficulty receiving a credible answer. Will the receptionist know? Will you be able to get hold of the relevant person on this hectic day? Therefore, it may be equivalent to what the *gemara* calls “he is not around to ask.” While it could be more practical to ask in advance whether the hotel does a halachic *bc* on the rooms, if he did not, perhaps one there can rely on the assumption they did.

The major question is if there was no formal *bc* done but the hotel can assure you that the room is clean, because a hotel's job is to provide clean rooms all year long. This should fall under the general rule that a professional will not endanger his professional standing (see Shach, Yoreh Deah 155:3). While no hotel is perfect, a standard *bc* is not perfect either.

But can a chambermaid's cleaning without a candle and perhaps not on the night of the 14<sup>th</sup> of Nisan count in lieu of *bc*? If one checks without the halachically prescribed lighting, he does not have to redo the *bc* (Shulchan Aruch, OC 433:1 and Mishna Berura 433:6). Also, most of us rely on the serious cleaning we do in the days leading up to Pesach but not with the characteristics of *bc*, and then do only a cursory *bc*, which would not uncover most of the *chametz* if it still existed. This is based on effectively creating places that are assumed to be *chametz* free (see Living the Halachic Process III, D-15).

Remember, that the *mitzva* of *bc* was not supposed to fall upon you (outside the one you likely will do at your home – see Living the Halachic Process II:D-14). It is just that there is a possibility that your concern about *chametz* may make it necessary. The *gemara* (Pesachim 8a) posits that one does not need to check outdoor areas frequented by *chametz*-eating animals because he can assume there will not be *chametz* there. The birds do not fulfill the *mitzva* of *bc* for us; they create a place which is excluded from the need of *bc*. For our purposes, the chambermaid is no worse than the birds. Even if she is not Jewish and cannot be an agent to fulfill the *mitzva*, she can still eliminate the likelihood of *chametz*.

It is therefore fine to not do *bc* when you come. (Coming in the afternoon of *erev Pesach*, when *chametz* is useless, makes things slightly but not fully more lenient – see Magen Avraham 437:3; Tosafot, Pesachim 2a. Further discussion is beyond our scope). If one wants to be *machmir* and do *bc*, fine (it can be done in a minute). However, the opinion (see Piskei Teshuvot 437:1) that if the hotel did not do “*bc*,” one should do one **with a beracha** is wrong.

### “Behind the Scenes” Zoom shiur

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

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## Moreshet Shaul

(from the works of Hagaon Harav Shaul Yisraeli zt"l)

### Character Refinement – part II

Based on Siach Shaul, Pirkei Machshava V'Hadracha p.154

*Last time, we saw Rav Yisraeli's thesis on how the change-seeking, state-building generation gave their children a level of autonomy that the children turned into chutzpa.*

Our segment of society (the religious settlement movement) also threw off the yoke of "extra manners." Members of the *moshavim* stress the fact that they do not wear ties; sleeves are rolled up and collars are thrown to wherever they end up, as a sign of independent simplicity. There is also simplicity in relations between people – titles of honor are discarded and are replaced by the title *chaver* – friend/colleague (= co-member of the cooperative). No Mr. and no Reb, just *chaver*. There is a disagreement how to relate to the rabbi. Some want to view him as just another member of the community; some want to see him as above this framework.

These simple and straightforward relationships pulled along a similar relationship between our children and their teachers and parents. We are proud that we have created such friendly relationships between a son and his father, and a mother and her daughter. A daughter asks her mother's advice, and the mother tells her daughter her secrets.

In practice, they indeed do uproot the feeling of embarrassment toward parents and adults, but it is unclear if this uprooting will bring significant fruits. Respect for parents was removed, but relations of a friend were not quite acquired. The young look at the previous generation the way members of the previous generation look at themselves – a human being who already lived most of his life and received most of what he is going to get out of life, and therefore one who should vacate his place for the next generation. It is the young who are coming to conquer, and the older person is unable to understand even if he tries, so the older should just do what the younger want. This desire, the lack of restraint, the lack of a guiding force – who knows where it is liable to lead?

With all of the simplified relations between people, without any extra flourishes, it also develops naturally that one relates as equals to those who he should be respecting. An example is speaking in the second person, not only when the "distance" between them is small, but even when it is large. It behooves us to stress that speaking in the third person existed in the times of our forefathers. Eisav used it ("my father shall get up" (Bereishit 27:31). In contrast, Yaakov said "get up" (ibid. 19) in the second person, but he used the "soft" language of "*na*" along with the verb. This shows the heartfelt feeling and the relationship of respect for his father.

Within the family and the community, we find a distinction of different levels of obligation regarding giving respect within the framework of the family and the community. **Respect** for one's parents, which goes together with **reverence** for one's parents and all that is included in these concepts, sets the mold of the structure of the Jewish family. There are also mutual obligations of respect for a wife toward her husband and a husband toward his wife (see P'sikta Bamidbar, Korach 114). All of these help form the infrastructure of the Jewish home. We are also obligated to show honor to scholars and to the elderly. We also find the idea of showing honor to elderly non-Jews who experienced many things in their lifetime (see Kiddushin 33a). We are even obligated to show honor to friends: "The honor of your friend should be as dear to you as your own" (Avot 2:10).

*We continue next time.*

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

Itamar Chaim ben Tzipora  
Nir Rephael ben Rachel Bracha  
Ori Leah bat Chaya Temima

Arye Yitzchak ben Geula Miriam  
Neta bat Malka

Avraham ben Gitel  
Tal Shaul ben Yaffa  
Meira bat Esther

Together with all *cholei* Yisrael

# P'ninat Mishpat

## Undoing a Problematic Partnership – part I

(based on ruling 84061 of the Eretz Hemdah-Gazit Rabbinical Courts)

**Case:** The plaintiff (=pl) and the defendant (=def) started a new business together and signed a partnership agreement. When the prospects for success waned, def arranged for pl to buy out def's brother-in-law's (=bil) 40% of an existing business with def for 365,000 NIS. Pl and def added handwritten modifications to their agreement. Pl started paying in installments, and pl and def went to an arbitrator (=arb) to determine at what point in the payments pl would receive rights in the business. Arb decided that pl would have all the rights of partnership from after he paid 300,000 NIS. Soon thereafter, pl complained to def that he lost access to the security cameras, and the next day he complained to def and arb that all of the cash (appr. 30,000 NIS) in a safe, to which only pl and def had keys, was missing. Arb spoke to def and after discontent with his reaction, rendered a ruling that pl could take 26,000 NIS from the company's account and hold it in a secure account until matters are sorted out. After unsuccessful attempts to improve trust, arb ruled that pl had a right to exit the partnership. Def claimed that arb was partial to pl, and the matter reached the courts, who appointed Eretz Hemdah to adjudicate. Pl demands back the money he invested (based on par. 6.7 of the contract); 21,000 NIS he spent in arranging the money to invest, or 40% of the business' profits from the time of his investment; and legal fees. Def counterclaims that pl failed in his responsibilities and therefore should lose rights in the partnership (based on par. 6.8).

**Ruling: Relevance of par. 6.7** – Def claimed that the clause that allows pl to extract his investment applies only to the original situation, a new business owned by pl and def, whereas in this case, pl only bought out bil's part in an existing business. Additionally, since pl gave his money to bil, pl should approach bil with claims.

Beit din rejects def's claims. According to the arrangement between pl and def, the payment to bil was the formation of the partnership between pl and def. On top of the original agreement, where it talks about payment to create the partnership, the payment to bil is written as the partnership's activator. Therefore, in the second iteration of the partnership, the money paid to bil is what pl recovers when par. 6.7 applies.

**Def's right to activate par. 6.8** – Def's claim that pl lost his rights in the business because of professional failures and because pl used, for personal purposes, some of the money that arb allowed him to hold, is to be rejected. First, arb already ruled that pl worked sufficiently well in terms of par. 6.8, and while beit din is authorized to rule otherwise, there are not grounds to do so. Regarding pl's use of the funds, examining the banking records, the one usage that was unauthorized was cancelled the next day; therefore, nothing was mishandled. In any case, par. 6.8 is apparently unenforceable because it draconically would have pl surrender his entire investment of 365,000 NIS due to minor inefficiency or misuse. This type of clause is an unenforceable *asmachta*. It differs from par. 6.7, which does not penalize def but just allows pl to undo the partnership and recover his payments.

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