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# HEMDAT YAMIM

## PARASHAT HASHAVUA

Devarim, 6 Av 5774

### The Chazon of Shabbat Chazon

Harav Yosef Carmel

The Shabbat before Tisha B'Av is known as *Shabbat Chazon* because its *haftara* begins: "*Chazon* (the vision of) *Yeshayahu ben Amotz*." At such a serious time, it behooves us to soul search about the moral causes of the destruction of the *Beit Hamikdash* and our own standing in these matters.

*Chazal* summarized three destructions of Temples – Shilo and the two *Batei Hamikdash* – as follows. "Rav Yochanan ben Torata said: Why was Shilo destroyed? Because of the disgrace of *kodashim* (sacrifices) within it. The first *Beit Hamikdash* was destroyed because of idolatry, adultery, and murder. However, regarding the final one, we know that they toiled in Torah and were careful about tithes; why were they exiled? Because they loved money and hated their fellow man. This teaches you that Hashem despises hatred for one's fellow to a degree that is equivalent to idolatry, adultery, and murder" (Tosefta, Menachot 13:22).

Before learning from the statements, let us reveal the identity of Rav Yochanan ben Torata. The *Pesikta* (Rabati 14) tells of a Jew who had a cow for plowing, which he had to sell to a non-Jew due to poverty. The non-Jew tried to work the cow on Shabbat, but the cow refused to budge. The buyer decided the cow was flawed and wanted to nullify the sale. The seller realized that the cow was unaccustomed to working on Shabbat and offered to get it to work. He spoke to the cow, saying: "While you were used to not having to work on Shabbat, since, due to my sins, I had to sell you and you are now owned by a non-Jew, I ask of you to get up and plow." The cow did just that. When the buyer saw this, he promptly decided to convert, and he became known as Yochanan ben Torata (Aramaic for "son of the cow"), and he became a respected scholar.

The destruction of Shilo was prompted by the actions of the sons of Eili, who disgraced the institution of sacrifices by turning the *Mishkan* into a lucrative business for the marketing of various meat products. There is no greater disgrace to *korbanot* than to turn them into a business. Rav Yochanan's explanation of the destruction of the first *Beit Hamikdash* is the standard one.

The explanation that the second *Beit Hamikdash* was destroyed due to baseless hatred is also well-known, but Rav Yochanan ben Torata adds that they were occupied in Torah and were careful about *ma'asrot*, yet they loved money and hated their counterparts, which was as despicable as cardinal sins. Their carefulness about important elements of the Torah did not prevent them from loving money and the related sins of lack of honesty when money is involved or from hating those who were different from them. [Ed. Note- *the language implies that they hated those who were similar to them as well, as was the case with Rabbi Akiva's students.*]

Let us ask ourselves if we have sufficiently opened our hearts and doorways to converts and if we have been concerned about Shabbat not just for ourselves but for the betterment of others in society as well. Let us ask whether we have been careful to increase love between all elements of society in Israel, even those who are not in our niche. We will leave these questions open for contemplation in our lives (not those of others) on this Shabbat that leads into the week of Tisha B'Av.

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by Rav Daniel Mann

## Restrictions of Motzaei Tisha B'Av

**Question:** What restrictions of Tisha B'Av/Nine Days exist after Tisha B'Av and until when?

**Answer:** From the perspective of the *gemara* (Ta'anit 30a), the restrictions of the Nine Days end with the completion of Tisha (9<sup>th</sup> of) B'Av. This is not obvious, as the majority of the burning of the *Beit Hamikdash* was on the 10<sup>th</sup> of Av, and Rabbi Yochanan (ibid. 29a) said that he would have thought that the latter date is the more appropriate day for the fast. In fact there were Amoraim who fasted both days (Yerushalmi, Ta'anit 4:6).

Based on this background, post-Talmudic *minhagim* developed to forbid certain matters after Tisha B'Av. The Tur (Orach Chayim 558) writes: "It is a proper *minhag* to not eat meat on the night of the 10<sup>th</sup> and the day of the 10<sup>th</sup>, just to relieve the spirit, so that it should be close to a fast." The Bach understands this language as a double stringency: one should not eat any meat on the 10<sup>th</sup>; even regarding other foods, one should limit his eating as is befitting for a day that on some level should have been a fast. The second stringency is not accepted, as we eat non-meat foods normally after Tisha B'Av (although we can relate to Mikraei Kodesh's (Harari – Fasts, 11:(29)) discomfort with those who, for example, go out for ice cream every Motzaei Tisha B'Av).

The Shulchan Aruch (OC 558:1) cites the *minhag* to not eat meat or drink wine the whole night and day of the 10<sup>th</sup>. Various *Acharonim* limit the stringency somewhat. The Be'ur Halacha (ad. loc.) says that it is permitted to eat a food that was cooked with meat as long as one does not eat the meat itself. The Magen Avraham (558:1) says it is permitted to eat meat at a *seudat mitzva* (we will not get into the question of whether one is allowed to get married at that time). Finally, the Rama (ad loc.) sets the tone for Ashkenazim in limiting the *minhag* against meat and wine until midday of the 10<sup>th</sup>.

Regarding other restrictions, Ashkenazim are stricter than Sephardim. The Shulchan Aruch mentions only meat and wine, and the Rama does not argue. However, the Maharshal (Shut 92) writes that since the *minhag* is to extend the Nine Days' restriction of wine and meat into the 10<sup>th</sup>, the same should be true of laundering, haircutting, and bathing. The Mishna Berura (558:3) and the broad consensus of Ashkenazi *poskim* accept the Maharshal.

Regarding Sephardim, the Chida and some other prominent *poskim* also accept this stringency. However, this part of the *minhag* was apparently not widely accepted, and therefore Rav Ovadia Yosef (Yechaveh Da'at V:41) says that Sephardim should follow the Shulchan Aruch's opinion that only meat and wine are forbidden, whereas the rest of the restrictions cease right after Tisha B'Av. (The recitation of *Shehecheyanu* is questionable – see Torat Hamoadim, Fasts 11:5. Mikraei Kodesh (ibid. 18) cites Rav Mordechai Eliyahu as extending the restriction on music throughout the 10<sup>th</sup>.)

There is room for leniency in cases of need regarding laundering, hair cutting, and bathing, even for Ashkenazim, for a few reasons. First, this part of the *minhag* is not just post-Talmudic, but even post-Shulchan Aruch. Secondly, it is much more common for there to be difficulty in continuing these restrictions, especially as the hot summer takes its toll and the stacks of laundry pile up. All agree that one can do any of these things in honor of Shabbat when Tisha B'Av falls on Thursday (Mishna Berura 558:3). (Halichot Shlomo I, 15:16 says that one can start washing on Thursday night and throw into a load of things needed for Shabbat even things that are not needed for Shabbat, but that haircutting should wait for Friday.) There are other situations, such as people leaving home soon after Tisha B'Av who need a supply of laundry, where stringency is likely beyond the call of duty.

(When Tisha B'Av is pushed off from Shabbat to Sunday, Motzaei Tisha B'Av is the 11<sup>th</sup>, and there is only a restriction on meat and wine and only at night – Rama, OC 558:1).

May Hashem avenge the death of the kidnapped boys  
Yaakov Naftali Frenkel, Gil-Ad Michael Schaer and Eyal Yifrah o.b.m



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# Ein Ayah

(from the writings of Harav Avraham Yitzchak Hakohen Kook, z.t.l.)

## Self-Growth for Communal Contribution

(condensed from Ein Ayah, Shabbat 1:9)

**Gemara:** Rav Chisda and Rabba bar Rav Huna would sit in judgment all day. Their hearts were weakened (Rashi- they were upset that they did not study Torah that day). Rav Chiya bar Rav Midifti cited for them a *baraita*: “The nation stood upon Moshe from the morning to the evening” (Shemot 18:13). Could you imagine that Moshe sat in judgment the whole day? When would he be involved in Torah? Rather it teaches you that any judge who renders an absolutely true ruling even during one hour is considered by the Torah as if he partnered with Hashem in the creation of the world, as this *pasuk* says “... from morning to evening” and there it says “it was evening and it was morning...” (Bereishit 1:5).

**Ein Ayah:** The greatest desire that fills the heart of great, righteous people is to always be involved in service of the community, improving it to the maximum, which is the most complete service of Hashem. When such people (Rav Chisda and Rabba) found they could help the public through the judicial system, they did not want to refrain from this holy work for even a short amount of time. How could they turn their back on the community to work on self-improvement, as the latter is focused on the individual? Thus, they neglected taking care of their personal physical and spiritual needs (both can be included in weakening their hearts).

Rav Chiya agreed that improving the community is the highest level of activity. However, involvement in such service should not totally preclude one’s efforts for self-improvement. For one who is involved in communal needs, all of his life, attending to even his personal physical and spiritual needs, is actually serving the community as well, as it enables him to succeed in his future communal work.

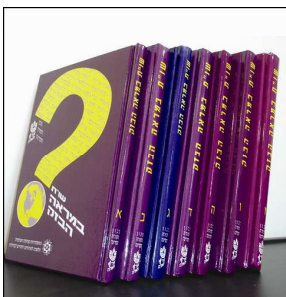
All of Moshe’s life was dedicated to the needs of the nation, as is represented by the *pasuk* that the nation stood over him, i.e., was sustained by him. He is described as being involved in judging them from the morning to the evening, even though this included time he was working on self-improvement, because all his efforts were intended to promote his great communal work. He who desires the best for the community should not neglect his own improvement but should reach the level to realize that his own advancement enables more complete advancement of communal goals.

Work for the public is not measured quantitatively but qualitatively. An hour of activity with a spirit at rest and a healthy body can be more beneficial than constant activity in a manner that weakens the body and overly compromises the spirit. This is the way Hashem created the world – the whole is dependent on its parts, whose advancement is necessary for the success of the whole. Day and night form one unit even though the day includes greater opportunities to act significantly. It is night that allows one to rest and have the strength to act during the day, which makes it equal to the level of the day.

For this reason, one who judges ideally for one hour is one whose every activity, whether intense Torah study, maintaining his health, or perfecting his refinement and ethics, enables him to positively influence others in the fullest sense. Getting the parts of the world to work symbiotically is basic to creation, and those who promote this are thus like partners in creation. Since the foundation of a Torah-based legal system is to help society function ethically, being a judge is also a great contribution to perfecting the world that Hashem created. This partnership can be reached through a small amount of public work, when the rest of his work is sincerely dedicated to making himself fit to continue serving the public.

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# P'ninat Mishpat

## Switching the Sofer in the Midst of Writing a Sefer Torah

(based on Beit Yitzchak (Shmelkes), Choshen Mishpat 78)

[The gabbaim of a chevra (some sort of association within a larger community – the specific nature of this chevra is not clear to me) hired a sofer to write a sefer Torah. This was decided in the presence of many members of the chevra, and they set the price and payment so that he would receive a certain amount of pay after each yeri'ah (section of parchment containing several columns). They told the sofer not to use patches (to deal with rips in the parchment). The sofer wrote twelve yeri'ot and presented them to the community. Later, new gabbaim were appointed, and he wrote another two under their tenure. The prices of sofrim went down, and the new gabbaim wanted to hire other sofrim to finish the sefer. They found that there were three yeri'ot with patches. The sofer claimed that he used the patches in a manner that he did not think people would object to, as indeed only much later were complaints registered. May the sofer be replaced?]

An agreement made in public (with three members of the community present) does not even need a *kinyan* to make it binding (Mordechai, Bava Metzia). The Netivot (333) asks why this concept is not found broadly and reasons that it applies only regarding matters of *mitzvot*. The Mordechai is discussing a Torah teacher, and the Rama (Shut 50) applies it to the appointment of a community rabbi. We can similarly apply it to one who is writing a *sefer Torah* on behalf of a *chevra*. While the Mordechai mentions the involvement of the seven leaders of the community, it appears that their involvement is not a necessity in this regard. In any case, since we are discussing an association within the community, it is likely that its *gabbaim* have the status of the seven leaders of the community.

Another reason not to allow the switching of *sofrim* is that the Shach (Yoreh Deah 280:9) rules that if there is a need to redo part of a *sefer Torah*, efforts should be made to have the original *sofer* do it because a *sefer Torah* with different handwritings is less respectable. How then can the *gabbaim* willingly initiate a change which the Shach considers to be regrettable?

The main point, though, is that in general, once a worker starts a set job, he cannot be removed without due cause. The new *gabbaim* are bound by the commitments of the previous ones. Additionally, the *sofer* continued writing during the tenure of the second set of *gabbaim*. One should not claim that since the unit discussed was a *yeri'ah*, they can discontinue his employment between *yeri'ot*, because the normal unit for a *sefer Torah* is a whole *sefer* (see Shach *ibid.*). *Yeri'ot* were mentioned in the context of providing partial compensation to the *sofer* without having to wait until the completion of the whole *sefer*.

Regarding the complaint that the *sofer* used patches, in violation of instructions, on one level we can say that since the *sofer* presented many *yeri'ot* to the *chevra* and no one had complained, they accepted the quality of his work. It is admittedly not clear if we should assume they relinquished their right to complain when they received them without complaint or if the lack of protest is significant only from the time they started using it. However, since the *sofer* is willing to replace the *yeri'ot* that have patches, this complaint is not grounds for his removal.



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