



HEMDAT YAMIM

Parashat Hashavua **Bechukotai, 20 Iyar 5782**

Harav Shaul Israeli zt"l
Founder and President

Peace Rather Than Tripping
Harav Shaul Yisraeli – from Siach Shaul 353-8

The Torah promises, as reward for adherence to the Torah, "I will place peace in the Land" (Vayikra 26:6). In contrast, one of the most stinging curses for scorning the Torah is: "A man will stumble over his brother" (ibid. 37). As we read the section of the rebuke, our heart splits with pain, as we see the curses occurring in the most horrific manner (this is apparently a sermon from 1944).

It seems to me that the most painful part of the curse is its element of "a man ... over his brother." This is itself a great curse. If there is no peace in our "encampment," if, instead of focusing all of our actions on the challenges that exist from outside, we are wasting energies on internal, pointless arguments. It is a curse if, instead of trying to support each other, we try to look for the weak point in our brethren, if the *mitzva* of rebuking our counterpart is applied in such a distorted manner, so that it is not to try to prevent sinning but rather to try to build oneself up on the "back" of another's sins. This should not be blamed on this one or that one from this group or that group, but rather it is a curse in and of itself.

In contrast, when the Torah writes about bringing peace, *Chazal* tell us that this implies, the "peace of Torah" (Bamidbar Rabba 11:7). This is a true blessing, and it is a vessel that holds blessing. If there is no peace, there is nothing positive.

We are so drawn to dispute, as if we are dragged in without the ability to resist. It may not always look that way, but that is the way it is. It is not caused by our willfully wanting it. Rather a sin drags along a sin (Avot 4:2). What this means is that to a certain degree, we lose free will. Rashi says about the string of failures, which begins with "If you shall be repulsed by My statutes" (Vayikra 26:15) that each one of the string of seven sins drags along the other.

The first place to start to improve things is with "the toil of Torah study" (see Rashi, Vayikra 26:3). Once the toil of Torah study ceased, everything turned into politics. The misconception then is that one does not need to work hard at his Torah scholarship to make something of himself but just to work on having a sharp tongue. Once this happens, one believes that the main thing is being *na'eh doresh* (speaking of doing good). Then it follows that he no longer places much stock on *na'eh mekayem* (being good at fulfilling what he preaches).

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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

Interrupting Shabbat Meal for *Shema/Sefira*

Question: When we make early Shabbat, is it better, when nighttime falls, to recite *Kri'at Shema* and *sefirat ha'omer* during the meal or to wait until after the meal?

Answer: We will be assuming you were correct in starting the meal. To make that clear cut, you should have started the meal at least a half-hour before the optimal time for these recitations, which is *tzeit hakochavim* (Mishna Berura 267:6 regarding *Kri'at Shema*; *ibid.* 489:23 regarding *sefirat ha'omer*). Grounds for leniency to start eating after this point are beyond our present scope (see discussion in Piskei Teshuvot 489:16).

The *Mishna* (Shabbat 9b) says that we interrupt certain activities, including eating, in order to recite *Kri'at Shema*, but do not interrupt for *tefilla*, as only *Kri'at Shema* is a Torah-level obligation (Rashi *ad loc.*). The above refers to a case where he started when he should not have, but if he started early enough before the time for *Kri'at Shema*, he is not required to interrupt the meal (Shulchan Aruch, Orach Chayim 235:2, see Mishna Berura *ad loc.* 21).

According to the Rama (OC 489:4), *sefirat ha'omer* is like *Kri'at Shema* – if he started eating when he should not have, he should interrupt the eating for *sefirat ha'omer*, but if he started when he was allowed to, *sefirat ha'omer* can wait until after he finishes eating. *Sefirat ha'omer* is treated as strictly in this regard as *Kri'at Shema* because of the opinion that *sefirat ha'omer* is a Torah-level *mitzva* even when there are no *korbanot* (Rambam, Temidin 7:24, as opposed to Tosafot, Menachot 66a), and/or because it is a minor disruption of the meal (Mishna Berura 489:25).

When it is not required to interrupt, is it positive to do so anyway? The Yerushalmi (Shabbat 1:2) says regarding one who is not required to interrupt eating for Mincha, that if he voluntarily interrupts, we call him a *hedyot* (simpleton), like others who do things from which they are exempt. Many explanations are given as to why it might be objectionable to “go the extra mile” – it may be haughtiness, it can reflect poorly on those who follow the *halacha* as given, it can distort the true *halacha* (see opinions in Encyclopedia Talmudit, entry “*Kol hapatur min hadavar v'oseihu*”). This rule appears at odds with the common halachic rule that one who is more *machmir* than he needs to be is lauded as worthy of blessing, and many attempts are made to distinguish between various cases. Regarding the case of Mincha, which the Yerushalmi addressed, while some say that one who is unnecessarily stringent is called a *hedyot* (Magen Avraham 232:9), others question whether this is accepted (Be'ur Halacha to 232:2; see Divrei Yissachar 18). Regarding voluntarily stopping the meal for the generally more stringent *Kri'at Shema* and *sefirat ha'omer*, none of the major commentators raises the prospect of calling him a *hedyot*.

There may be reasons to prefer a voluntary interruption of the meal specifically for *sefirat ha'omer*. We have seen already the idea that *sefirat ha'omer* is fulfilled with relative ease, as it does not require much of a break. Additionally, there is special importance to the concern that if he forgets to recite *sefirat ha'omer* that day, it might disqualify the entire *mitzva* (see Noda B'yehuda I, OC 27). On the other hand, the Sha'agat Aryeh (22) says that on Shabbat, when one is in the midst of a mandatory full meal, the obligation of *Birkat Hamazon* (50 + times a year) is more frequent (*tadir*) than *sefirat ha'omer* (49 times a year), which gives the former precedence regarding order. (It is unclear if this applies if one does not plan to *bentch* until much later). In this regard, *Kri'at Shema* is more common, and therefore has preference over both (*ibid.*).

In summation, there is nothing halachically compelling about either reciting *Kri'at Shema* and *sefirat ha'omer* as soon as possible or waiting until the end of the meal. Therefore, the most important determinant is what system works best so that you do not forget to do all the *mitzvot* sometime during the evening.

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



Igrot HaRe'aya - Letters of Rav Kook

Potential Partners in Building a Yeshiva in Yafo - #99-101

Date and Place: Chanuka 5668 (1907), Yafo

Recipients: In the previous letter, we saw Rav Kook's view of the state of education in Eretz Yisrael at the time. In it, he spoke about the New Yishuv being the proper setting for creating a more integrative type of yeshiva, which, along with producing greatness in Torah, would serve as a base for producing fine religious people to tackle the challenges of a vibrant, emerging nationalism. A couple of months later, Rav Kook sent short letters to several Zionistic Rabbinic leaders in Europe on the matter, apparently "scouting the field" to see who could turn into a major ally in this project. We will focus on letter (#99), which Rav Kook wrote to Rav Yitzchak Aizik Halevi, the author of a monumental history of rabbinic scholarship, *Dorot Harishonim*. The recipient of letter #100 is Rabbi Yitzchak Yaakov Reiness, rabbi of Lida and the founder of the Mizrahi Zionist movement. The recipient of letter #101 is Rabbi Zvi Hersh Masliansky, a popular, rabbinical inspirational speaker on behalf of the Zionist movement. The yeshiva did open, in 1909, and closed in approximately 1915, due to World War I.

Body: ... I wanted to write a somewhat long letter, to explain my request. I had hoped that someone who has such a broad mind and is as righteous as you are might be one of the most prominent people who will stand by my right side to take action on behalf of Hashem and His lot. When I saw it would be difficult to find an opportunity to write at length, I decided to make due with something brief. When I will merit to receive a response from you, then we can revert to our practice of exchanging letters to clarify the matter.

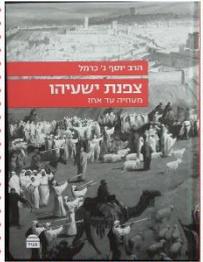
I am calling upon you, my brilliant friend, along with all of the scholars of the Jewish People, who know the maladies of our nation and want to quickly heal it, to help with the following matter. Specifically, I ask that you lend a hand in establishing an advanced yeshiva here in the holy city of Yafo, at the center of the New *Yishuv*, which is increasingly taking shape and developing. This development is being done by powers that are totally foreign to the true soul of Israel, i.e., the light of Hashem and His Torah. The painful outcomes of such a phenomenon are potentially inestimable if we do not quickly remedy the situation, by helping rebuild the nation in the Holy Land based on the foundation of Torah and responsibility toward Hashem. This must be done within an effort to progress along with practical life in its truly good paths.

Such a yeshiva must be built here, in order to give spiritual life to the New *Yishuv* as a whole. Such an institution can then give fruit in the Old *Yishuv* and to the sanctity of Yerushalayim, the Holy City, and all the old, established holy cities. When the two parts of the *Yishuv* will be connected, it will spread light over the entire Jewish Nation, including throughout the Diaspora. In that way, Hashem's spirit will elevate His nation and connect many souls to the love of *Eretz Yisrael* in sanctity and strength.

Such a *yeshiva* must be founded specifically with riches and honor and with attractive flourishes along with the sanctity of truth reigning supreme. This is appropriate for the "air of *Eretz Yisrael*," which makes people wise and resurrects the dead.

My honorable friend, you have begun to save the Jewish People with your wonderful book (on rabbinic history). From the Heavens, they have given you the merit to thereby elevate His Name and establish in its proper place the honor of our rabbis, from whose words we live.

I hope that you will desire to extend your great hand toward my weak hand to strive together toward this work of Hashem. May Hashem, the Rock of Israel, enable us to complete the job properly.



Tzofnat Yeshayahu - Rabbi Yosef Carmel

The Prophet Yeshayahu performed in one of the most stormy and dramatic periods of the Israeli nation's life, a period of anticipation for the Messiah that was broken by a terrible earthquake, and also caused a spiritual and political upheaval. The light at the end of the tunnel shone again only in the days of Chizkiyah.

"Tzofnat Yeshayahu – from Uziya to Ahaz" introduces us to three kings who stood at this crossroad in our nation's history: Uziya, a king who sought God but was stricken with leprosy because of his sin; Yotam, the most righteous king in the history of our people; And Ahaz, the king who knew God but did not believe in His providence.

In his commentary on the prophecies of Yeshayahu, Rabbi Yosef Carmel, Head of the Eretz Hemdah-Gazit rabbinical court and a disciple of Rabbi Shaul Israeli zt"l, clings to the words of Hazal, our sages, and to the commentaries of the Rishonim, the great Jewish scholars of the middle ages, and offers a fascinating way to study Tanach. This reading attempts to explain the Divine Plan in this difficult period and to clarify fundamental issues in faith. Tzofnat Yeshayahu reveals to the reader the meaning of the prophecies in the context of the prophet's generation and their relevance to our generation.

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P'ninat Mishpat

Aftermath of a Complex Partnership – part II

(based on ruling 76096 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The sides worked together in marketing other companies' technological products. The defendant (=def1) is the owner of a company (=def2). The plaintiff (=p1) worked for def2, but took on an increasingly central role, with agreements in 2010 and 2014. In the 2010 agreement, p1 was appointed vice-chairman of def2 (and was envisioned to run it) and received stock options in it. Among the elements of the 2014 agreement is that that p1 and def1 should share profits in def2. At different times, p1 has claimed that his share in 2015 profits is either 75,000 NIS or 120,000 NIS. Def1 claims that these numbers must be drastically reduced due to expenses and debts.

Ruling: Par. 5f of the 2014 contract states that p1 and def1 will split the “gross profits (operational profits) ... after the completion of obligation to banks.” There are two disagreements between the sides on the matter. While both agree that gross profits refers to what is left after expenses, p1 claims it refers to out of pocket expenses, which does not include salaries, whereas def1 says that salaries must also be subtracted from the profits. Additionally, p1 argues that “obligations to the banks” means after receiving payments from clients and paying the debts to suppliers. Def1 says it means that there must be surplus money in the bank account. Def1 also claims that the reports filed with the tax authorities (*ma'azan bochan*) should be used for calculations, and they show a profit of only 9,000 NIS for 2015. P1 argues that this is not valid because this includes over 100,000 NIS of company money that def1 drew for household expenses (this is legal in a private company).

Beit din's understanding is that the profit referred to is after all expenses, including salary. If the profits are divided equally between the parties before considering salaries, from where will the salaries be paid?! P1's explanation of “obligations to the bank” has no specific connection to banks. Def1's explanation is logical, as it makes sense to make sure that there are no debts, from the past or the present, before handing out profits. Even if we consider these phrases in the contract as unclear, p1 will not be able to receive the profits he is seeking, because the rule is that the one who wants to use a document to extract money needs to prove that the payment is subscribed to in the contract (Shulchan Aruch, Choshen Mishpat 42:5).

Def1 was able to prove that 2015 ended with def2 in debt of 130,000 NIS. We need to add to that due to our decision (see last week) that def2 owes p1 42,000 NIS for 2015 salary. On the other hand, p1 owes def2 25,000 NIS. In total, def2 is in debt almost 150,000 NIS. Although it appears that def1 did use some 103,000 NIS on household expenses, that still leaves def2 in the red. Therefore, p1 does not have a claim on profit distribution for 2015.

Comments or questions regarding articles can be sent to: info@erezhemdah.org

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Arye Yitzchak ben Geula Miriam

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