



HEMDAT YAMIM

Parashat Hashavua

Shemot, 25 Tevet 5784

Harav Shaul Israeli zt"l
Founder and President

What's in a Name? – About *Shem*, *Sham*, and *Makom* Harav Yosef Carmel

As we begin *Sefer Shemot* (Names), it is a good time to clarify what a *shem* is, as well as appreciate the significance of its being used together with the identically spelled *sham* (there).

Adam's first activity after being created was to give names to all of the other animals created, and the Torah immediately points out that Adam did not find a mate (Bereishit 1:19-20). What is the significance of the naming and how is it connected to his wife, whom he called Chava after she was created (ibid. 3:20)?

Adam unfortunately did not "call out in *Shem Hashem*." Avraham was the first one to do so, and he did so in conjunction with erecting altars for the service of Hashem (ibid. 12:7-8). In those *p'sukim*, the Torah repeatedly uses the word *sham* to stress the places where he acted in service of Hashem. Thus, there is a uniting of the words of *shem* and *sham*. What is their logical connection?

When the Torah discusses the place he chose for the *Beit Hamikdash*, it is called the "*makom* (place) he chose to place His Name there (*lasum shemo sham*)." The Torah continues with the *mitzva* to go *shama* and sacrifice *shama* (Devarim 12:5-6).

In order to understand *sham*, let us look at the first time its root comes up, actually in the first *pasuk* of the Torah, referring to *shamayim*, the heavens. Among the many attempts to explain the word *shamayim*, let us suggest that it is the plural, so to speak, of *sham*. In other words, the heavens represents all of the places where Hashem appears in the physical world. Having the heavens (or Heavens) represent Hashem is famous in expressions like *yirat shamayim* and "*min hashamayim tenuchamu*."

Regarding Adam's naming, giving a name is an expression of touching its essence, which is first and foremost, its connection with Hashem. This is true of every person's name, so that the naming of a baby so early in his life is of great significance. It is also one of the first questions a person is asked after his death (Semachot, Chibut Hakever 1:6). After Adam named all the animals, he realized that he needed a wife who could connect him to Hashem through the close relationship between them.

Avraham realized upon coming to *Eretz Yisrael* that this was the place in which he could successfully call out in the Name of Hashem. His activities of this nature are captured with the use of the words: *shem*, *sham*, and *makom*, which is parallel to *shamayim*. The presence of these words hints at the Divine Presence.

Shemot, the book of the *Chumash* that announces the emergence of a holy nation, not just holy individuals, tells of an unbreakable bond created between the nation and Hashem. May we merit Divine Presence in our home by virtue of succeeding in building a family that gives a home for the Presence to dwell. May the nation as a whole and every individual within it, always remember that we have a special name and a special connection to Hashem.

Hemdah Yamim is dedicated to the memory of:

Eretz Hemdah's beloved friends and Members of Eretz Hemdah's Amutah

Rav **Shlomo Merzel** z"l
Iyar 10, 5771

Rav **Reuven & Chaya Leah Aberman** z"l
Tishrei 9, 5776 / Tishrei 20, 5782

Mr. **Shmuel & Esther Shemesh** z"l
Sivan 17 / Av 20

Mr. **Moshe Wasserzug** z"l
Tishrei 20, 5781

Prof. **Yisrael Aharoni** z"l
Kislev 14, 5773

Hemdah Yamim is endowed by
Les z"l & Ethel Sutker of Chicago,
Illinois, in loving memory of
Max and Mary Sutker
& **Louis and Lillian Klein** z"l

R' **Yaakov** ben
Abraham & Aisha and
Chana bat Yaish &
Simcha Sebbag z"l

R' **Eliyahu Carmel** z"l
Rav Carmel's father
Iyar 8, 5776

Mr. **Zelig & Mrs. Sara Wengrowsky** z"l
Tevet 25 5782
Tamuz 10 5774

R' **Meir** ben Yechezkel
Shraga **Brachfeld** z"l
& Mrs. **Sara Brachfeld** z"l
Tevet 16, 5780

Rav **Asher & Susan Wasserteil** z"l
Kislev 9 / Elul 5780

Rav **Yisrael Rozen** z"l
Cheshvan 13, 5778

R' **Abraham & Gitta Klein** z"l
Iyar 18 / Av 4

R' **Benzion Grossman** z"l
Tamuz 23, 5777

Mrs. **Julia Koschitzky** z"l
Adar II 18, 5782

Rav **Moshe Zvi (Milton) Polin** z"l
Tammuz 19, 5778

Rabbi Dr. **Jerry Hochbaum** z"l
Adar II 17, 5782

Nina Moinester, z"l, **Nechama Osna** bat
Yitzhak Aharon & Doba z"l
Av 30, 5781

R' **Yitzchak Zev Tarshansky** z"l
Adar 28, 5781

Mrs. **Leah Meyer** z"l Nisan 27, 5782

Mr. **Shmuel & Rivka Brandman** z"l Tevet 16 5783/ Iyar 8, 5781

Mrs. **Shirley Rothner**, Sara Rivka bat Yaakov Tzvi HaCohen z"l Tevet 15 5768
.Those who fell in wars for our homeland. May Hashem avenge their blood!



Eretz Hemdah
Shemot: Harav Yosef Carmel, Harav Moshe Shalomreich
2 Binyana St. corner of Rav Chaya St.
P.O. Box 9179 Jerusalem 91092
Tel: 972-2-5974469 Fax: 972-2-459626
www.eretzhemdah.org

American Friends
of Eretz Hemdah Institutions
c/o Chisplein, 8 South Michigan Ave.
Ste. 605, Chicago, IL 60605, USA
Our Telephone: 312-424-5359
info@eretzhemdah.org

Donations are tax deductible according to section 46 of the Israeli tax code.

Ask the Rabbi

by Rav Daniel Mann

Monetary Responsibility of One Member of a Group

Question: Reuven and four friends rented a car with bangs and scratches from Shimon; Reuven gave a deposit check. When they returned the car, Shimon claimed they damaged it. Reuven is sure no damage occurred when he was in the car and assumes (but is unsure) the damage was there before. His friends deny they owe anything and are unwilling to speak seriously to Shimon about it. Shimon cashed Reuven's deposit check and says that if he wants money back, he should pay for the damage or make his friends do so. Reuven and Shimon preferred not to go to *beit din* and approached me for guidance. We decided I would present the **general principles** (without possibly impactful questions) on whether Shimon can hold Reuven responsible for the whole group or whether he must pursue the others if he wants their payment.

Answer: There are two halachic issues to discuss regarding the extent of Reuven's responsibility: 1. Does Reuven have more than 20% responsibility for the car, and if so, to what extent? 2. Is indirect responsibility activated because the others refuse to take responsibility?

The Yerushalmi (Shvuot 5:1) concludes that if two people borrow a sum of money together, they become *areivim* (guarantors) for each other, even without explicit agreement for that. In other words, one of the borrowers could end up paying the lender the entire amount. (If he acted correctly - see Pitchei Choshen, Halva'ah 14:14-18 – the *arev* can demand reimbursement from the other borrower – Shulchan Aruch, Choshen Mishpat 130:1). The Shulchan Aruch (CM 77:1) extends this concept to two who buy an object together (regarding payment for it), and the Rama (ad loc.; see Shach ad loc. 1) adds two who accept an object to watch (regarding payment if they do not successfully return it). This is thus a broad concept that should apply also to rentals. In essence, renting a car contains two elements that can lead to payment – paying for the right to use it, which is like buying (see Bava Metzia 56b), and paying if he does not return it intact, like a watchman (see Mishpat Haschirut 1:9).

The two main forms of *arevim* are: a regular *arev* and an *arev kablán*. A regular *arev* is responsible to potentially pay for what his friend owes, but only when the creditor has a valid reason to view the debt as impractical to receive from the debtor (Shulchan Aruch, CM 129:8). An *arev kablán* is treated like a direct recipient of a loan, even though someone else is the ultimate beneficiary. Resultantly, while a creditor can approach a regular *arev* only after it is apparent that the debtor will not pay, he can approach an *arev kablán* before even trying the debtor (ibid. 15).

Rishonim disagree on the status of two who borrow together. The Rosh (Shvuot 5:2) considers each lender as an *arev kablán*, which means that the borrower can take full payment from either without even trying to get half from the other. The Sha'ar Mishpat (77:1) explains that we view the matter as if each of the borrowers received all the money, no matter how they decided to split it among them. The Shulchan Aruch (CM 77:1), though, accepts the opinion of the *Rishonim* who say that each is a borrower on half and a regular *arev* on the other, so that generally each person only has to pay when his partner will not.

At what point has the lender exhausted his necessary efforts to receive payment from the borrower and can demand pay from an *arev*? The Shulchan Aruch (CM 129:10) says a case where one can demand payment from the *arev* is if the other borrower is a powerful person who does not listen to *beit din*. The Rama (ad loc.) cites but does not accept an opinion that we wait until *beit din* tries to force the borrower to pay. Clearly, though, if there has been only refusal to pay without being summoned by *beit din*, it is too early to demand payment from the *arev* (see also Bava Batra 174a). This is even clearer if the debtor has real claims for exemption, in which case going to *beit din* before paying is the defendant's right (even if he is presently not eager to do so).

“Behind the Scenes” Zoom shiur

Eretz Hemdah is offering the readership to join in [Rabbi Mann's weekly Zoom sessions](#), analyzing with him the sources and thought process behind past and future responses. Email us at info@erezhemdah.org to sign up (free) or for more information on joining the group.

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

► [SEND NOW!](#)



Igrot HaRe'aya - Letters of Rav Kook

Call to Plant More *Etrog* Trees – #182

Date and Place: 7 Shevat 5669, Yafo

Recipient: The members of the *moshavot* (agricultural settlements)

Body: The time has come that I feel an obligation to point out to you something about an important area within the agriculture of our Desired Land – the planting of *etrog* trees with careful precautions that there is no possibility of grafted fruit. This is something that specific growers started to do a few years ago in a reliable manner. The increase of such orchards is important to us, especially now that so many people are interested in expanding the Jewish community of our Holy Land.


There are three important goals that are included in this dear, holy service [of planting kosher *etrog* trees]:

1. To save the broad Nation of Hashem from missing out on the *mitzva* of *etrog* and the other species that go with it (if one of the species is not kosher, no part of the *mitzva* is fulfilled). Until now, the non-Jewish growers have spoiled the sanctity [of the *mitzva*] by flooding the world with prohibited, grafted *etrogim*.
2. To use this branch of agriculture to expand the reaches of the community in our Holy Land, by adding fruit-bearing trees that bring blessing to their owners. The flow of money from our dear brothers to these non-Jews, some of whom are our enemies and those who hate us, should, instead, go to our brothers, who glorify the strength of our nation, as they expand our community in the Desired Land, the place we are able to live a full life.
3. To connect the souls of our dear brothers who are dispersed throughout the Diaspora with increased love and appreciation of our holy and desired Land, which is to be eternally desired, by being reminded of Zion. This happens when one takes an *etrog* that grew in sanctity in the Holy Land on our Holiday of Joy, and we add to it grandeur because it was grown by our brethren, who are returning life to the Holy Land, which is the source of the dew of our resurrection.

[Word of the need and availability of non-grafted *etrog* trees] has been heard among [people with religious sensitivity], and the nature of the reliability of the certification of the Jewishly grown *etrogim* in the Holy Land has started to become known to the masses. Also, [many are aware of] the certainty that the non-Jewishly grown *etrogim* are grafted and not kosher. Since consumers have flocked to the *etrogim* of our dear *moshavot*, whose *kashrut* is guarded, I have received one question from the brilliant and righteous rabbis of the world, which needs to be answered with action, not words. These great brothers, who love Zion and want the *mitzva* to be done in the way it should be, who are wise enough to have realized that the *mitzva* can be done properly only with the *moshavot* involved, ask: Will there be enough *etrogim* grown in the *moshavot* for the whole nation [including the Diaspora]? Only if the answer is affirmative, will they be able to encourage people to refuse to buy the unsupervised *etrogim*, and have people accept the new source of *etrogim*.

This holy work is for now and for future generations. Therefore, I find it appropriate to ask you, dear brothers, who are involved in agriculture, that each of you should leave a part of your land for an *etrog* grove. If this is done, then the individuals who plant will quickly accumulate to produce enough *etrogim* for us to supply the whole Jewish world through the efforts of the sons/builders who worked so hard. Then, we can hope that each rabbinic leader, according to his level of influence, will support us, and we will be those who make a path toward fulfillment of this great *mitzva*, in contrast to the present desolation. Then, commerce in *etrogim* will find its place in strengthening the place of orchards within the Holy Land.

Dear brothers, it is appropriate that you will take part in this new challenge for the sake of the *mitzva* and the *yishuv* to do this great thing, of fixing the *mitzva*, embellishing the *yishuv*, and raising the stature of Zion in the hearts of our brethren, as the [*etrogim* will help] people remember Yerushalayim. [We omit the end of the letter due to space constraints.]



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.

Buy Now

P'ninat Mishpat

Various Issues Regarding a Printing Press – part II

(based on ruling 83038 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The defendant (=def) made an arrangement to use the plaintiff's (=pl) printing operation, renting most of the space and machines. Def was responsible for expenses, including municipal tax and *va'ad bayit* (upkeep along with the building's other businesses). Pl used his section for his printing press related work. In 2013, pl sold def a used printing press for 80,000 NIS. Recently, def left the premises and sold his business. Pl has different claims against def, [which we will present in installments]. 1. Pl demands 10,000 NIS for fixing def's printing press. Def responds that when he bought the press, pl promised to fix it when necessary, and that it was damaged during transport, when it was pl's responsibility. 2. Def left two months before the end of the final year of renting, for which pl demands rent and payments to third parties (see part I). Def says he received permission from pl to leave early. 3. Pl complains that def took all the lighting fixtures when he left and left the place without lights. Def says that he installed stronger lighting, needed when a gallery was built, and that is what he took.

Ruling: 1. From pl's comments during the hearing, it is clear that at the time he did the repairs, he had no plans of charging def, commenting that pl and def were so close that just as one would not charge his son, pl would not charge def. When one does a service for another with the intention of it being for free, it is like giving a present, and one cannot charge later (Netivot Hamishpat 12:5). His claim that he changed his mind now that they had a fight is exactly what we are concerned about when someone makes a late claim for payment (Terumat Hadeshen 317). Therefore, there is no payment even if pl did not promise and even if the damage was not his responsibility.
2. When one has an open-ended rental agreement, either side can end it with 30-days' notice (Shulchan Aruch, Choshen Mishpat 312:7). However, in this case, throughout the seventeen years of rental, all the written contracts and oral agreements covered a year. If def had claimed that this past agreement was for shorter or left open, there would be what to investigate. However, def's excuse was that he received permission to leave when he did, not that there was never an understanding of a year's rental (which he did not prove). Therefore, def is bound to fulfill the oral or assumed rental agreement until the time it ceased, naturally or by agreement (ibid. 1). This applies both to the rent and the other expenses.
3. A renter who supplies appliances for the rental apartment is permitted to remove them before leaving. There seems to be agreement that various fluorescent lights that were in the property when def entered, broke during the seventeen years of occupancy. Since the contract states that pl cannot charge def for that which broke during normal usage, def does not have to pay for the no-longer-present fluorescent lights.

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

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

Nir Rephael ben Rachel Bracha
Ori Leah bat Chaya Temima

Arye Yitzchak ben Geula Miriam
Yerachmiel ben Zlotta Rivka

Neta bat Malka
Meira bat Esther

Together with all *cholei* Yisrael

Eretz Hemdah is the premier institution for training young rabbis to take the Israeli Rabbinates' rigorous Yadin Yadin examinations. **Eretz Hemdah**, with its distinctive blend of Religious Zionist philosophy and scholarship combined with community service, ensures that its graduates emerge with the finest training, the noblest motivations resulting in an exceptionally strong connection to Jewish communities worldwide.