



Harav Shaul Israeli zt"l
Founder and President

Days of Re-establishment – How We Come Before Him in Praise – part I

Harav Yosef Carmel

The declaration of the establishment of the State of Israel on 5 Iyar 5708 was a turning point in the history of *Am Yisrael* and even the history of mankind. The existence of an independent Jewish state in the "Land Coveted by the Forefathers" was a surprise. In the beginning, there was uncertainty about it, as people were unsure if they would survive the cruel attack of all of the surrounding Arab states. It was a situation of many vs. few, the strong vs. survivors of the hell of the Holocaust, the rich in natural resources vs. the empty handed. No one could have imagined the ingathering of the exiles of some half of the Jewish people or that the state would become one of the most wonderful countries in the world from every perspective. Who would have thought that the family earnings in Israel would so quickly surpass those of England and France, the two powers that divided the Middle East during WWI?! Three years after the crematoria in Aushwitz stopped sending up to the heavens the ashes of 20,000 Jews a day while the world was silent, a state was established, where Torah is learned today more than in any generation in Jewish history.

Our mentor, Rav Shaul Yisraeli, zt"l, was one the Jewish leaders, who immediately understood the events' great significance. He wrote about why it is so important to commemorate, celebrate, and thank Hashem on a day that was to be set aside for the re-establishment of a Jewish state, and why 5 Iyar, the day we declared our independence is important. (See *Eretz Hemdah*, vol. I, 1:6.)

The Chief Rabbinate at the time of Rav Herzog and Rav Uziel set the order of prayers for this occasion. At the evening prayers, we recite two *mizmorei Tehillim* that refer to the time of the coming of Mashiach and are part of *Kabbalat Shabbat* (97-98), along with three stanzas from "Lecha Dodi," written by Rav Shlomo Alkebetz, a student and friend of Rav Yosef Karo. Why did the initiators of *Kabbalat Shabbat* (16th century Safed) choose these psalms, and what messages are embedded in Lecha Dodi?

After the tragedy of the Expulsion from Spain, there was a spirit of anticipating liberation in the community led by Rav Yaakov Beirav, and Safed became a center of "revealed" and "hidden" Torah. Practical steps toward creating an independent state to be led by *Mashiach* were still just a dream, as any actions in this direction could have caused harsh reactions by the new rulers of the Land, the Ottomans. The psalms that Rav Moshe Kordavero chose for *Kabbalat Shabbat* deal with the coming of Mashiach, along with references to the past liberation, from Egypt. While these songs did not openly call for steps toward liberation, they safely hinted at increasing the yearnings. Shabbat was the "cover" for the feelings, with a double meaning that the Times to Come are "the times that are all Shabbat and rest forever." Lecha Dodi went further in mixing between Shabbat and liberation, using the motif of the marriage between the beloved and his/His bride, as described in Shir Hashirim. This wedding is to occur in a flourishing Land of Israel, as described there. So we can call Lecha Dodi a song about Shabbat and an "underground song" about the coming of *Mashiach*.

We will continue with these themes next week.

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Those who fell in wars for our homeland.
May Hashem avenge their blood!



Ask the Rabbi

by Rav Daniel Mann

The Power of Vinegar

Question: I made *pareve* cucumber salad in a *fleishig eino ben yomo* (not used in 24 hours) container. About an hour later, I used a *milchig* serving spoon, which then stayed in it for about a half hour. What are the halachic statuses of all of the elements involved?

Answer: As is often appropriate in complex *kashrut* questions, we will first explain why there could be a problem, introduce indications for leniency, and see if they suffice.

The rule is that there is no transfer between a solid and a liquid that are sitting in/alongside each other unless the contact is for 24 hours, in which case we say *kavush k'mevushal* (soaking is like cooking) (Shulchan Aruch, Yoreh Deah 105:1). However, if the liquid is sharp, there is assumed to be full transfer of taste in "*k'dei sheyartiach*," the amount of time it takes to put a liquid on the fire and have it heat up to a boil. (There is a transfer of a "*k'dei klipa*" (a peel's worth) in less time (*ibid.*.) This is assumed to be around 18 minutes or possibly less than that (see *Darchoi Teshuva* 105:42). The Shulchan Aruch (*ibid.*) lists vinegar as such a sharp liquid.

Vinegar being a *davar charif* also ostensibly knocks out two broad leniencies. *Fleishig* (or *milchig*) taste that enters a utensil and then is expelled and absorbed into a *pareve* food (called *nat bar nat*) is too weak to be the building block of a forbidden mixture of *basar b'chalav* (Shulchan Aruch, YD 95:2). (Whether this applies here seems to be a *machloket* between the Shulchan Aruch and Rama, *ibid.*3). Forbidden (or *fleishig* and *milchig*) particles that sat in the walls of a utensil for 24 hours deteriorate to the point that whatever taste it adds to another food is negative and therefore not halachically significant (*ibid.* 103:5). Neither of these leniencies apply when the food absorbing the taste is a *davar charif*, as it tends to give prominence to weak and/or negative tastes (*ibid.* 96:1).

On the other hand, the Shach (*ad loc.* 2) says that vinegar does not cause quick transfer of taste. There is an apparent contradiction in the Mishna Berura on whether he agrees with the Shulchan Aruch that vinegar speeds up transfer (Mishna Berura 648:54) or the Shach (Mishna Berura 447:71). He hints at the following way to reconcile the approaches (in Sha'ar Hatziyun 648:60, based on Magen Avraham 447:28). Strong vinegar causes quick absorption; vinegar that is not strong is treated like regular liquid (i.e., 24-hour cutoff).

Our case has a further level of leniency in that the solid object is not a food but a utensil, which is less absorbent. While most *poskim* say that a utensil in contact with a liquid *davar charif* is treated the same as a solid food, some are more lenient regarding transfer of taste between a liquid *davar charif* and a utensil (see *Mishbetzot Zahav*, YD 105:1; *Chochmat Adam* 57:10; *The Laws of Kashrus* (Forst) p. 329-330).

An additional, strong, reason for leniency is that after several minutes of spicing cucumber salad, a significant amount of liquid (mainly water) starts oozing out of the cucumbers, into the pool of vinegar (can you confirm it happened in your case?). As we have seen, the level of sharpness can be impactful, so dilution is significant. We also find that water specifically can counteract a *davar charif's* effect (see similar idea in *Mishna Berura* 447:43).

Other points of leniency relate to the fact that some of assumptions of the initial indication of a problem are not unanimous. There are some opinions that only that which appears in the *gemara* as a *davar charif* has that status (see *Beit Yosef*, YD 96). There is also an opinion that the *halacha* that a *davar charif* makes a negative taste impactful does not apply to a liquid *davar charif* (see *Mishbetzot Zahav*, YD 96:1).

Based on all the above, there is ample room for leniency. Thus, you do not need to throw out the still *pareve* cucumber salad. Also, you can assume that the container and spoon remain as they were. Since there is some doubt, one might want to *kasher* the utensils if it is easy to do so (which is often not the case), but this is not required.

"Behind the Scenes" Zoom shiur

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



Igrot HaRe'aya - Letters of Rav Kook

Torah Literature Published by an Old Friend – #217

Date and Place: 11 Menachem Av, 5669, Rechovot

Recipient: Rav Nisan Rabin, a childhood friend of Rav Kook.

Body: I am living in *Eretz Yisrael* and am presently spending time in the *moshava* of Rechovot, as I do every year during the harvest season of grapes, which are such lovely vineyards of the holy soil. I just read with bliss and was filled with satisfaction and joy of the heart, your valued present, the dear and pleasant book of your honored, brilliant father, my dear friend (Rav Moshe Yitzchak Rabin, a *dayan* in Ponevitch). You are so fortunate to have merited to be a son who brings honor to his father, especially in this great matter of spreading throughout the world the Torah thoughts of the pure heart and holy spirit of your father, the beloved, righteous scholar. Thank you so much for the great delight you brought me. May you merit to publish all of the writings of your father, whom I know to be of sound reason and deep intellect, which went along with his great diligence and the pure fear of Heaven that lit up his heart. This joined wonderfully with his love of truth, sharp intellect, broad knowledge, and righteous humility. All of these are a sure guarantee that his works are dear and the benefit to those who learn his Torah will be great. When many delve into them, knowledge will grow.

I also want to praise you for your pamphlet that you sent me (not yet published), which you wrote in a unique style. May you, my beloved, take this accomplishment and all matters of sound logic, which is based on the underpinnings of pure belief, and written in a style that can penetrate the heart of a certain segment of our generation's young people, who are fainting due to [spiritual] thirst, and make sure that it is made available. It would be terrible to withhold the spirit of Hashem that it engenders. Whenever Hashem awakens one's heart, whatever he can accomplish, whomever he can save, whichever hearts he can improve, whether many or few, the magnitude of the obligation is too great to express. [It would be enough] to just weaken the stench in the suffocating air of ignorant, chutzpa-full materialism, which is actually increasing specifically before its imminent demise.

It is proper for a writer of your great skill to insert into his theses the pure ideas of the idea of national awareness in its holy and truthful root. This would enable many hearts to be filled with a love of the Holy Land and the holy belief in the resurrection of Hashem's nation in its Land. This is especially true at a time like this, when the movement of life and the flow of political and spiritual life indicate deep signs of Hashem's imminent redemption of His nation, the glittering of the horn of Israel from the holy mountains. This finds expression in the beginning of the children's return to their borders, and the elevation of the spirit of the nation to the heights of the holy mountains. When this reality enters the fabric of all of the thoughts that flood the world about questions of time and life, it gives all of them strength, a glow, a flash of sanctity, and the splendor of honor.

At this time, it is not just a matter of prophetic visions; matters are progressing and occurring. It is the obligation of all of us to not stand off in the distance, but to work with Hashem, each according to his abilities. Most importantly, it is an obligation of every talented writer who has the spirit of Hashem within him [to write]. I hope that you will succeed in this way, having a charm accompany your writing. May all who help you publish for the welfare of the masses of the dispersed nation of Hashem, which is under spiritual attack even more than physical attack [be blessed]. You should share the holy, lofty thought of the reawakening of the nation on holy soil. It is now its time to appear with many lights from different directions.

P'ninat Mishpat

Repercussions of a Sale that Turned Out Not Happening – part I

(based on ruling 83045 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: In 2013, the plaintiff (=pl) sold a “residential unit” to the defendant (=def), who planned to rent it out, for 380,000 NIS; def paid only 38,000 NIS. Pl allowed def to do major renovations in the unit before further payment was made. Def discontinued payment, and the sides went to secular court to determine blame for the sale stalling. In 2016, the court ruled that def was in breach of contract and had him vacate the unit. In the meantime, def had control over the property for around 35 months. During almost all of this time, def received rent from renters (the court had assumed, as of 3 months before it was returned to pl, that it was 60,000 NIS). The sides agreed that *beit din* should accept the court's findings as the binding basis of the adjudication in *beit din*. Pl demands to receive the rent def took; neither side knows exactly how much def received. The two sides also disagree about damages to the unit during this period, with pl claiming he paid a contractor 30,000 NIS to fix them. Pl also wants def to pay for expenses of the sale, which became moot – lawyer's and realtor's fees and *mas shevach* (tax on real estate appreciation). Def claims to have spent 67,000 NIS on renovations, which made the unit fit for rental, and he demands to be reimbursed. Def wants to invoke a statute of limitations on many of pl's claims.

Ruling: Proceeds of rent: Since the court ruling had been to void the sale based on a crucial breach, pl deserves to have received the rent. Def had told the court that he received 2,000 NIS for most of the time of the rental and had not given it to pl because it went toward paying for the renovations. Def claims to never having admitted receiving 60,000 NIS, but just providing the basic framework. In fact, def claims that some of the renters did not pay and that they had to pay for repairs between renters. However, neither pl nor even def has a record of how much was received. In a case in which both sides agree to an obligation and neither knows the amount, the Shulchan Aruch (Choshen Mishpat 75:18) has two opinions as to whether the defendant is totally exempt from the difference between the highest and lowest possible amounts or there is a moral obligation to work out a compromise. The Shach (ad loc. 67) follows the opinion of exemption. However, one of the reasons given for the exemption is that just as the defendant is at fault for not knowing how much he owes, so is the plaintiff at fault for not knowing how much he deserves. In this case, since pl had no way of knowing how much def received from renters, we will employ a mechanism of compromise (the calculation came out to 56,550 NIS). Def does not have a right to subtract from this amount for upkeep, because he was not acting with the authorization of the homeowner (see Ketubot 79b). We will discuss separately charges for improving the unit.
We will continue with other elements of the dispute next time.

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

We daven for a complete and speedy refuah for:

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Ori Leah bat Chaya Temima

Arye Yitzchak ben Geula Miriam
Yerachmiel ben Zlotta Rivka
Tal Shaul ben Yaffa

Neta bat Malka
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