



Harav Shaul Israeli zt"l
Founder and President

HEMDAT YAMIM

Parashat Hashavua

Ki Tavo, Elul 15, 5786

"Renewing" the Mitzva of Bikkurim

Harav Yosef Carmel

Our *parasha* begins with the *mitzva* of bringing *bikkurim* (first fruits) to the *Beit Hamikdash* to present to Hashem amidst a festive declaration of gratitude for having received the Land that produced the fruit (Devarim 26:1-11).

We cannot fulfill, in our times, this *mitzva*, which thanks Hashem for the Exodus from Egypt after 210 difficult years, because we do not have the *Beit Hamikdash*. However, we are not exempt from looking for ways to thank Hashem for all of the good He does for us every day. We not only had an exile in Egypt but various other exiles, beginning with the Assyrian exile 2,700 years ago, which left the majority of *Am Yisrael* under foreign rulership. Many of the nations and/or religions that dominated us, including the Greeks, Romans, Muslims, and Christians, also controlled *Eretz Yisrael* in those times. The curse, which is also a blessing, is that during foreign control of *Eretz Yisrael*, the Land remained mainly desolate, as the Torah predicted (see Vayikra 26:32-33).

Although some thought it could not get worse than the Crusades or the Inquisition, we were subjected to a worse tragedy – the Holocaust of 6 million Jews, including 1.5 million children, who were slaughtered without mercy. The stench of the crematoria of Auschwitz, Maidanek, and other centers of horror, still pervade the spirit of many.

"Like dust from ashes," *Am Yisrael* was reawakened in its Land, where we built a glorious Jewish State. It did not happen in one day, but three years after the Holocaust, against all odds, David Ben Gurion declared the State's establishment. *Tzahal*, with tremendous Divine Assistance, defeated the Arab armies, who simultaneously attacked the new state with the plan of destroying it. The War of Independence left us with more area than the Partition Plan envisioned, reaching from Eilat to Metula. While the financial situation was difficult, including food rationing, it was still appropriate to view the national breakthrough as reminiscent of Hashem extricating us from *Mitzrayim* (Egypt). "*Mitzrayim*" reminds us of the word "*meitzar*" (constricted area), as in the *pasuk* "From the *meitzar* I called out to Hashem" (Tehillim 118:5).

Since 1948, Hashem's grace has enabled Israel to expand, including with livable borders through miracles 19 years later, fulfilling the end of the *pasuk* "Hashem answered me in a wide place" (ibid.). In the Yom Kippur War, Hashem showed how an almost conquered nation could counterattack and draw close to enemy capitals. Since then, Israel has continued to thrive, becoming a world leader in technology, medicine, and most certainly, Torah scholarship.

We have a great obligation to Hashem to do the following: 1. Thank Hashem for the unprecedented gift of the State of Israel ("Thank Hashem for He is good, as His kindness is eternal" (ibid. 1). 2. Unite, look for those things we share, and listen to what is on the minds and hearts of others. This requires everyone's sacrifices, through willingness to give, not coercion. 3. Be willing to take responsibility in action for the nation's needs, including security needs.

I humbly suggest that great Torah leaders call on the community that between Shavuot and Simchat Torah, the time of bringing *bikkurim*, everyone bring a *bikkurim*-like gift in Yerushalayim – a donation to the weak in society (see Devarim 26:11). This would be a partial spiritual fulfillment until we will be able to do the actual *mitzva*.

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Ask the Rabbi

Ki Tavo

by Rav Daniel Mann

Beracha on a Havdala Candle You Cannot See

Question: I will be in a hospital for Shabbat. They do *Havdala* in the ward. It is unclear if I will be able to make it close to where it is held, but I was told that the *mavdil* is very loud and I will hear it in my room. If this happens, what will I do about *Borei Me'orei Ha'eish* on a candle I do not see? (Safety concerns prevent any flames in hospital rooms.)

Answer: First, remember that your health is paramount and that there is no problem whatsoever doing *Havdala* without a candle (Shulchan Aruch, Orach Chayim 298:1). If one is able to make the *beracha* on the candle later that night, that is great (Mishna Berura 298:3).

The *mishna* (Berachot 51b) states that one can make a *beracha* on the *Havdala* candle only when “they benefit from its light.” The *gemara* (ibid. 53b) cites a *machloket* on what this means: Rav says it just requires the light to be significant enough that if one were close, he could benefit. Rava requires actual benefit, with the example being that he is able to use it to distinguish between coins. Most *Rishonim* and the Shulchan Aruch (ibid. 4) rule that one needs to be close enough to benefit from the light.

On the other hand, according to most authorities, there is no *mitzva* to actually benefit from the light (see Halacha Berura 298:13). Actually, almost all agree that the *beracha* is a *birkat hashevach* (praising Hashem), in this case for creating fire/light, which Adam became aware of on *Motzaei Shabbat* (see Pesachim 54a). If so, the requirement of how to see the light is to ensure a sufficient trigger for the *beracha*, as one must see a rainbow or lightening before making a *beracha* on it.

Therefore, there is logic to say (as Shemirat Shabbat K'hilchata 61:(62) points out) that if the person who is reciting the *beracha* is properly triggered, those who hear his *beracha* are appropriately praising Hashem (e.g., by you answering *amen* from your room). Nevertheless, the Mishna Berura (297:13; 298:13) says that whoever wants to fulfill the *halacha* of the *Havdala* candle must be close enough to the light, and I did not find those who disagree. This goes well with the *halacha* (Shulchan Aruch ibid. 13) that a blind person does not make *Borei Me'orei Ha'eish*; we do find that he should hear the *beracha* from someone with sight.

One can suggest various explanations for everyone's need to be close enough. 1) The *mitzva* is not limited to the *beracha* but includes experiencing the light and being reminded of Hashem's creation, which is capped off with the *beracha*. This may explain why we make the effort to hold out our hands and look at our fingernails (ibid. 3) and that some do this after the *beracha* (against the simple halachic logic). 2) One should connect to the *beracha* as one who is obligated in it, which happens only when he is personally triggered (see Chief Rabbi Yosef's Birur Halacha 298:(19)).

That being said, even if you cannot make it close to the light, you can salvage the situation significantly. First, if you can light an **incandescent** lightbulb, some *poskim* allow using this for *Havdala* in a case of need (see Piskei Teshuvot 298:10). If so, it would be ideal if you answer *amen* to the *beracha* of the *mavdil* and “attach” the *beracha* to your incandescent light.

Finally, realize that despite the standard *p'sak* that one cannot fulfill the *mitzva* at a distance, hearing the *beracha* does have some value. First, some *poskim* say it might be possible you do fulfill the *mitzva* at a distance, and therefore if you did hear the *beracha* in this way, you cannot make a *beracha* later if you gain access (Kaf Hachayim 298:22). The Mishna Berura (297:13) likely agrees, because he says that when one is listening at a distance, he should have in mind not to be *yotzei*, and make the *beracha* later when he gains access. Additionally, according to the reasons we gave before, by listening intently to the *beracha* (you should not answer, as it is likely a *hefsek* in *Havdala*), one takes part in the praise of Hashem, just that it is missing either the seeing of the light or taking part in the *beracha* with an obligation to do so.

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Moreshet Shaul

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

The Goal of an Agricultural Yeshiva – part III

Based on Siach Shaul, Pirkei Machshava V'Hadracha p. 263 (address at the cornerstone laying for the Yeshiva Chakla'it in Kfar Haroeh – 1938)

[We have seen how Rav Yisraeli envisioned an agricultural yeshiva remedying the disconnect between the religious growth and practical plans of the youth in times of Jewish pioneer spirit in Eretz Yisrael. He also discussed how yeshivot in a time where people need to prepare for their occupations need to adapt to this challenge, and how this was developing slowly.]

Another educational goal is that the students will become familiar firsthand with [the classic] works of Jewish Philosophy – Kuzari, Chovat Halevavot, Ikarim (Elbo), etc. They should also hear inspirational talks on Jewish ethics, which should spur debate on topics in Halacha and ethics. The agricultural work will serve as supplemental support for that which was learned; it is a practical example of how to fulfill Halacha. Students who are in that atmosphere for years will come out infused with a healthy world outlook that is nourished from the sources of our lives, while also being physically strong and prepared to toil in the building of the land and the garden.

The character of the yeshiva will be popular; the yeshiva will not limit itself to elite students. We will make it mandatory for all of the youngsters in our movement. All parents who want their sons to have vocational training along with spiritual preparation from a Jewish root will send them. There will be an increase in the knowledge of Torah in the nation, and people will return to the source of their life spirit.

The agricultural yeshiva is not coming to compete with the existing yeshivas. Its place in the scheme of things is totally different. It is not coming to take away but to add. The point is not to take yeshiva students and put them in the agricultural yeshiva, but to bring in those who are “standing outside.” These are people who do not have the possibility, due to the conditions of life, to receive Torah in a yeshiva which does not include work. If they have a desire to know Torah and to live a life of Torah, they will find that which they need in the agricultural yeshiva. Its goal is not to create Torah luminaries; it will strive to produce those who only “know Torah.” Rabbis, religious judges, and halachic decisors will not be among its graduates; in any case, that is not the aspiration.

It is still too early to dream about returning to the type of life that existed in the days of the *Tannaim* and *Amoraim* of old. Those were the greatest men in the world and humble people who labored with their hands to make a living, amidst austerity. At the same time, they were great pillars upon whom all the House of Israel rested. Perhaps someday after complete generations have gone by of quiet, natural life involved in the produce of the soil, the hearts will reawaken and there will be great men who can combine within them brilliance in Torah with the simplicity of a natural life. However, we cannot rush the matter. Let us not forget the rule, “If you grabbed for too much, you will not have grasped anything.” Any such attempt is subject to failure from the beginning.

We are still in the period of beginnings. From the laying of the cornerstone until the building is fully complete will be a long path. The true responsible work will begin when the work on the building is over. We will need to be hyper vigilant to keep to the right direction and to choose the right educational staff. The budget that will exist for the institution will be critical for its development. This is important because this will be a very valuable institution for the Torah in people's life and within the nation.

We daven for a complete and speedy refuah for:

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

Arye Yitzchak ben Geula Miriam
Neta bat Malka

Together with all cholei Yisrael

Avraham ben Gitel
Tal Shaul ben Yaffa
Meira bat Esther

P'ninat Mishpat

“Pay When Paid” for a Contractor and Subcontractor – part I

(based on ruling 84085 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The defendant (=def), a contractor, arranged with the plaintiff (=pl), an electrician who works as a subcontractor, to provide the electrical work in multiple projects of public buildings. The contracts for the project set out that the payment terms would be based on a schedule of quantities (one is paid according to the amount of an element done, times its price per unit) and based on “pay when paid” (the contractor pays the subcontractor right after the client (=cl) pays the contractor for that element of work). Toward the end of the projects, disputes arose about the amount of money due to pl for his work, in light of the related pay def received from cl. [We will deal with elements of the case in installments.] Pl claims that he did all of the work necessary for Project #1, and therefore he should receive the full amount (1,187,000 NIS) minus a small amount to be given after a tofes 4 (certificate of occupancy) is issued – he has received only 870,000 NIS. Def refuses to pay more, since cl paid him only 85% of the electricity elements of the work and pl has not proven he deserves more based on the number of units he has handled. Pl responds that since def himself changed his payment terms with cl to be “lump sum” (not per unit), this should also apply to def’s payment to pl. Regarding the work on Project #2, cl paid 37,000 NIS directly to pl to complete work. Def claims that this money should be reduced from the amount due to pl from def.

Ruling: Although it is not clear from the contract whether the payment to pl becomes lump sum if def receives according to lump sum from cl, communications between the two sides indicate that def understood that pl would no longer have to receive confirmation from cl’s inspector of how many units he handled.

Since pl is to receive based on “pay when paid,” we must see how much cl paid def for the line items of electricity. Overall, def received payment on 89% of the project, but on electricity elements only 82%. Cl’s inspector testified that the percentage determined for each element is inexact (i.e., for convenience sake, def could have received a little more than deserved on one element in return for less than deserved for another). Beit din decided therefore to give pl half of the difference between the numbers (85.5%). Based on this, pl deserves another appr. 75,000 NIS for this work.

Project #2: A representative of cl testified that the payment that cl paid pl directly was not in lieu of what they would have normally paid through def. Therefore, there is no need to recalculate that which is due to pl from def in regard to Project #2.

We will continue with final elements of the dispute next time.

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