



HEMDAT YAMIM

חיים תורה

Parashat Hashavua

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Change in Human Initiative Pattern

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One of the major themes in *Sefer Bereishit* is the contrasts between each of the righteous patriarchs and matriarchs. We will only mention some of the terms used: Avraham represented *chesed* (kindness), Yitzchak epitomized *yir'ah* (awe), and Yaakov is the symbol of *emet* (truth) and/or *tiferet* (grandeur). Let us focus on a far less famous contrast – the nature of the struggles to emerge safely as a pillar of the Chosen Nation.

There were two patriarchs who each “inherited” his status from his illustrious father. Yitzchak was promised his central role in receiving the protection, blessings, and responsibilities of a covenant with Hashem “because of your father, Avraham” (see Bereishit 26:24). Yitzchak received his father’s blessing, enabling his success, as we read in this week’s *parasha*. But neither result was taken for granted.

Avraham was reluctant at best to choose one son (Yitzchak) over another (Yishmael) (see Bereishit 21:10-11). Hashem got involved directly, instructing Avraham to put his clear priority on Yitzchak (ibid. 12), a lesson which we see later Avraham fully internalized (see ibid. 25:5-6). Yitzchak emerged victorious without having to do anything. On the other hand, there was also an apparent threat to Yitzchak’s very existence. Avraham was commanded to place him on an altar as a human sacrifice, only for that commandment to be clarified to mean that he should place him but not slaughter him. In this context, Yitzchak was called upon to play a crucial, even if physically passive, role. He allowed his father to proceed and prepare to kill him without so much as a protest or complaint. This great event solidified the status and provided unparalleled merit not only to Avraham but to Yitzchak and through each, to their descendants.

Yaakov’s status in the legacy of his forebears was very much in question, with Yitzchak deciding to give a prominent *beracha* to Eisav. Here, Hashem did not directly intervene. Rather, his mother had to devise a difficult plan, and Yaakov had to (reluctantly) carry it out without explicit divine command but based on parental leadership which stretched the moral imagination, at apparent peril (see ibid. 27:12). (Of course, Hashem brought the success “behind the scenes.”) In contrast, when it came to physical survival, Yaakov was endangered by two relatives who had plans of harming him, Lavan and Eisav. In this case, Yaakov was not morally tested, like Yitzchak had been. He “got into trouble” by following Hashem’s directive to return to his father’s home at the time and in the manner that Hashem prescribed, and Hashem warned Lavan (ibid. 31:24) and changed the sentiment of Eisav.

So, in this way too, we see the patriarchs, as harbingers of the future of generations of offspring to follow the proper precedents. It is not simple to survive, and it is not simple to thrive spiritually. No amount of human initiative will succeed without the good will of Hashem, and His assistance will always be necessary. On the other hand, we will not be in the situation to receive Hashem’s full grace without some level of proper action. Our nation is, by divine design, built on role models who emerged successful because of a combination of their greatness and willingness to sacrifice and stand up and do the right thing, along with unique Divine Providence.

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

Ask the Rabbi

by Rav Daniel Mann

Tevila of Something that Turns into a “Meal Utensil”

Question: I received an ornamental honey dispenser and glass plate. I want to use the plate every Shabbat to hold *challa* rolls for *lechem mishneh*. Does it require *tevilat keilim*, assuming that it was made by a non-Jew(ish company)?

Answer: You correctly imply that you could use the plate for its intended purpose without *tevilat keilim*, as we will illustrate. The *gemara* (Avoda Zara 75b) posits that only “*klei seuda*” (utensils for meals) require *tevila*, and the *poskim* understand that it must be used to come in direct contact with food, as opposed to serving/touching a utensil that holds food (Shulchan Aruch, Yoreh Deah 120:4), e.g., the plate for the dispenser.

What happens when something is designed for a purpose to which *tevila* does not apply but is now being used for a purpose that requires it, e.g., a plate for bread. The Rama (YD 120:8, based on the Issur V’heter 58:85), says that if one bought and uses a knife for cutting parchment, he may not use it, even occasionally, for cutting food. Most of the classic commentaries of the Shulchan Aruch/Rama seem to accept this ruling. On the other hand, the Pri Chadash (ad loc. 19) argues, invoking a (not unanimous) rule (see Shulchan Aruch, Orach Chayim 451:6) regarding the companion *halachot* of *hechsher keilim* (*kashering*) that determinations of status follow the majority of usage. Here, says the Pri Chadash, all should agree that if the majority of usage is such that does not require *tevilat keilim*, it is not required.

The two opinions likely disagree as to the heart of *tevilat keilim* – is it the *mitzva* to do the *tevila* or the lack of permission to use the *kli* before *tevila*. Logically, the *mitzva* should depend on the overall status, but not using without *tevila* could apply to even sporadic usage. Our *chakira* likely gives us the opposite outcome in a case where a *kli* requires *tevila* but one wants to use it beforehand for a non-*seuda* use. If it the main point is the usage prohibition, this is likely only relevant to *seuda* uses. If the main thing is a *tevila* obligation, then it **might be** necessary to not use it for **anything** before discharging one’s obligation. See Chelkat Binyamin (p. 284) for opinions on this matter.

As far as practical *halacha* is concerned, Chelkat Binyamin (120:68) finds it difficult to ignore the near consensus of the classical *poskim* who requiring *tevila* before any *seuda* usage. He also does not dismiss the Pri Chadash and therefore advocates not making a *beracha* on that *tevila*. Rav Zvi Cohen (Hagalat Keilim 1:2) rules like the Pri Chadash regarding *keilim* whose purpose is not as a *kli seuda*, as the Aruch Hashulchan (YD 120:40) agrees fundamentally and this is apparently the more prevalent practice. There is also more room for leniency regarding a glass utensil, where the maximum obligation is Rabbinic (see Hagalat Keilim 1:3; see Chochmat Adam 73:8 regarding a similar context)) or when there are other grounds for exemption.

However, in your case, the lenient opinions do not suffice. That is because when one decides to change a non-*kli seuda* into a *kli seuda*, it becomes obligated in *tevila*. As we find such decisions change the status even to remove a *tevilat keilim* obligation (Shach, YD 120:17), all the more should it add an obligation. Perhaps you were thinking about Rav Moshe Feinstein’s novel leniency (Igrot Moshe YD II:40) that one who buys a container that does not require *tevila* because it is disposable and decides to use it regularly does not thereby create a *tevila* requirement. However, his (not unanimous) idea is that we view it as a Jew “creating” the status of a *kli*, and one can even exempt himself from *tevila* by physically undoing a *kli* status and then have a Jew repair/restore it (Pitchei Teshuva, YD 120:1). There is no precedent that a *kli* that was not yet obligated in *tevila* when acquired from a non-Jew would not become obligated later based on a new usage (see Shulchan Aruch, YD 120:8). Therefore, barring other grounds for exemption, the plate needs *tevila* before it can be used regularly for *challa*.

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



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Igrot HaRe'aya - Letters of Rav Kook

Message for Municipal Responsibility - #62

Date and Place: 29 Shevat 5667 (1907), Yafo

Recipient: The municipal council of Yafo (apparently, newly elected)

Body: My dear sirs and brothers – I find it to be a personal obligation to “awaken your spirits” in regard to the holy work that your honorable roles make you responsible for at this time.

The situation in the city is very lowly at this time. In your hands – only in your hands – the lot of the city is found. Our holy city, besides its public value to us as its citizens, also has a great value to the nation.

My dear sirs, do not retreat because of some obstacles, which you might encounter in your paths in the beginning of your work. If you will only choose to meet together, as the law requires the joint meetings of the council, you will succeed with Hashem’s assistance, to arrange the complicated matters of our city in a proper and desirable manner.

From my perspective (as rabbi of the city), I give you my support to carry out matters according to what your hearts see as correct, which I will view as correct for the good fortunes of the holy city. This applies as well to matters connected to the financial state of the office of the rabbinate in the city, as well as other similar matters that require solutions. Just do not weaken your resolve to lead the public. This is especially true during these days, as Pesach draws closer, as the bitterness of the lot of our brethren who are poor affects every one of us whose human heart and Jewish spirit live in his midst.

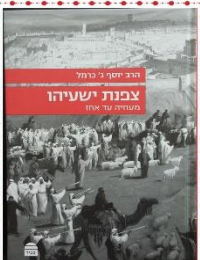
Be strong and exert yourselves, and Hashem shall be with you to set your actions in a manner that will bring respect and glory.

Warning against *Chillul Shabbat* - #63

Date and Place: 1 Adar 5667 (1907), Yafo

Recipient: The Council of Rechovot committee for the building of a winery

Body: I have heard that the contractors for the building of the winery want to build on Shabbat (with the work to be done by non-Jewish workers). I hereby protest against this plan with all possible vigor. There is no leniency that could possibly justify such action (see Shulchan Aruch, Orach Chayim 244:1). Even after the fact, if Heaven forbid they will violate the *halacha*, there will be grounds for serious aspersions on the winery because of that (see *ibid.* 3). I am therefore raising the issue for your clear benefit, so that you should prevent the desecration of Shabbat from taking place. May Hashem give His blessing to you and in general on that which is going on in our Holy Land.



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

Reservation of an I-pad Game – part I

(based on ruling 81025 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The defendant (=def), a school within the broader Charedi community, reserved from the plaintiff (=pl) a navigation game for 100 girls to play in a forest, which includes *madrivot*, an app that needs to be installed on iPads, and riddles. The price was 3,500 NIS for the game and 1,200 NIS for renting the iPads. The arrangements were discussed by phone and WhatsApp between def's secretary and social coordinator and pl's secretary, who sent a contract to def. The contract states that if there is a cancellation within 36 hours of the event, the client has to pay 3,500 NIS and has to pay 10% of the order per month of late payment. Def's principal asked about the appropriateness of the riddles for the girls and was assured that pl is religious, the riddles are appropriate, and the iPads will have only the game. Def's secretary signed the agreement the day before the planned activity and def were told to go quickly to pick up the iPads by 6:00 PM. It turned out that the iPads had other apps, but pl told def they could be blocked. The principal thought it was okay, but checked with the supervisor, who rejected that idea, and def canceled the order before 6:00. Def refused to pay, and so pl is suing for 3,500 NIS for the cancellation and 7,700 NIS for paying 22 months late. Def counters that a school is obligated by a contract only if they attached a seal in addition to a signature, and the former was missing. Also, def claimed that they were given until 6 PM to confirm or cancel and that the iPads were not the type they could use.

Ruling: It is true that according to the law, a school does not become obligated without a seal and a signature, and not by the signature of a secretary. However, it is common practice for schools to “do business” in such a manner, and this is among the many cases in which we say that *minhag* is binding (see Bava Metzia 83a and 74a; Shut Harashba II:268).

After reading the exchanges between the participants, it is clear that there was no explicit condition that def could back out until 6 PM. This might have been def's misunderstanding based on the fact that they could not do the activity without the iPads.

Was there a *mekach taut* because the iPads were not acceptable to def? Intrinsicly there was nothing unusable about the iPads, except that the supervisor did not approve it. We see that def's workers use such electronic devices, and they knew that they were renting iPads, which usually contain various apps, for just a few hours to use for a specific purpose. In such a case, when the buyer has a reason to not be happy with the purchase, if their concern is not obvious, they must stipulate a conditional sale (see Tosafot, Kiddushin 49b). In this case, even the principal was not expecting there to be a problem. Therefore, there is no *mekach taut*, and def has to pay.

Next time we will discuss how much def should be required to pay.

While one can argue that def would not have agreed to pay 3,500 NIS without getting the benefit of the activity, since the amount is not exaggerated (consider the time put in, the reservation of the *madrivot*, etc.), def cannot claim *asmachta*...

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

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Yisrael ben Rivka	Arye Yitzchak ben Geula Miriam	Meira bat Esther

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