



HEMDAT YAMIM

חֵמְדַּת יָמִימִים

Parashat Hashavua

Ki Tavo, 21 Elul 5782

Harav Shaul Israeli zt"l
Founder and President

It Can't Be?! It is Happening!
Harav Yosef Carmel

Our *haftara* speaks in glowing terms (literally) about the coming of *Mashiach*: "Come give your light for your light has come, and the glory of Hashem shall shine upon you ... Nations will go by your light and kings by the glow of your shining ... Raise your eyes around and see that all of them have gathered and come to you, your sons from far will come ... to bring your sons from far, their gold and silver with them ..." (Yeshayahu 60:1-9).

The Abarbanel asks several questions on these *p'sukim*, of which we will bring two. One is an apparent contradiction, in that elsewhere the *navi* tells of the punishment that will come to the nations, who fight Bnei Yisrael at that time, whereas here the *navi* speaks about the nations following in Bnei Yisrael's light, repenting, and singing out in praise of Hashem. Another question is on the *pasuk* that implies that those who are liberated will come to *Eretz Yisrael* with their riches. The Abarbanel considers this hard to believe, considering what he knew from those tossed around in exile who needed liberation, for example, after the expulsion from Spain. Since when do Jews in exile have money to bring with them?!

The Abarbanel was correct until our days, but this is no longer difficult to believe. In the merit of our holy forefathers, the situation is very different and the prophecy as prophesized is occurring before our eyes. Jews have come from the exile with their money!

We will bring the words of the early commentators on some of these *p'sukim* and then try to add some little extra ideas at their fringes. The *pasuk* about giving light, according to Targum Yonatan and the Radak, refers to Yerushalayim. According to the Ibn Ezra, it refers to the renewal of the monarchy (i.e., independence) and prophecy. Rav Shlomo Alkabetz, the protégé of Rav Yosef Karo, in his beautiful poem, *Lecha Dodi*, featured prominently the call to Bnei Yisrael, represented by the Queen Shabbat, to reestablish an independent Jewish state in *Eretz Yisrael* with Yerushalayim as its capital. This was the vision of the holy rabbis of Safed, who came to *Eretz Yisrael* after the expulsion from Spain with great optimism and belief in the hastening of the liberation. This was very different from the way of thinking of the Abarbanel, who experienced, first hand, the horrors of the cruel Inquisition.

"For your light has come," according to the Radak, means that the time of the liberation, which is a great light, had come. The darkness described in *pasuk 2* refers to the troubles of the hostile nations, while we experience light. In recent years, we are witnesses to the great miracle of the flourishing of the State of Israel while the neighboring nations live in relative darkness. The Radak continues that the nations following in the light refers to the nations that Yeshayahu describes as seeking to go up to the mountain of the G-d of Yaakov. Indeed, we see in many ways how the nations look up to Israel for its achievements.

We should always remember that to make progress on the road toward fulfilling more and more stages in this liberation we must work on our national unity. Hashem loves united Jews!

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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

Does *Pruzbol* Ruin the Ability to Fulfill *Shemittat Kesafim*?

Question: My community has a project that in our *pruzbol* (=prz – a mechanism to obviate *shemittat kesafim* (=sk)), one excludes a loan given through a *gemach*, upon which we fulfill the *mitzva* of *sk* (voiding loans at the end of *Shemitta*). Why can't the *prz* apply to everything, and I still fulfill the *mitzva* by voluntarily waiving my right to payment of the loan of my choice?

Answer: Various contemporary “projects” tap into the concept of *sk*, allowing the forgiving of certain loans. The systems can have two focuses: 1. **Helping borrowers** with debt burden, as Halacha did before *prz* was instituted. 2. **Fulfilling the *mitzva* of *sk*.** We applaud #1 without halachic analysis; your question focuses on #2.

Two main questions affect your question: A. What does *sk* entail? B. How does *prz* effectively neutralize *sk*? Most *Rishonim* (see Mordechai, Gittin 380; Minchat Asher, Devarim 19) view *sk* as automatically erasing debt, after which the lender must not ask for a debt that no longer exists. The Yereim (164) champions another approach – the debt still exists, but the Torah demands the lender to waive payment. The Rosh (Gittin 4:20) posits that during *Shemitta*, the debt exists, but the lender may not demand it; at the end of the year, the debt is cancelled. The various approaches are tested by the *gemara* (Gittin 37b) discussing the proper exchange between borrower and lender without a *prz*. The borrower offers payment; the lender proclaims “*meshamet ani*” (app., I accept the cancelling of my rights to loan payment); the borrower says “even so [I want to pay] ... it is my [money], but I am giving it to you as a present.”

The *gemara* (Gittin 36b) posits that in our days, the Torah law of *sk* does not apply, but the Rabbis instituted it as a “remembrance of the *Mikdash*.” When Hillel saw this caused people to refuse to lend money, he instituted *prz* to provide a mechanism for ensured payment despite *Shemitta*.

Some say that *prz* is a way to “hand over one’s documents to *beit din*”, which obviates even Torah-level *sk* (see Tosafot, Gittin 36a). This is because, on some level, it makes the debt be considered collected already (see Ran, Gittin 19b of Rif’s pages) and/or because the lender is not collecting himself, but *beit din* is in charge of it (Rambam, Shemitta 9:15). Some see the *prz* as a direct creation of the Rabbis based on their control over the Jewish community’s finances (see Gittin *ibid.*; Yalkut Biurim ad loc. (176)). Others see the *prz* as an alternative means of remembering the laws of *sk* (Hitorerut Teshuva I:151).

Our analysis is general, and we cannot, in this forum, answer your question according to every *posek*. However, according to most opinions, the Torah-level *mitzva* of *sk* entails following the rules whereby *sk* makes it forbidden to extract payment, which does not happen when there is a *prz*. Therefore, one who voluntarily agrees not to receive the money he may collect, while doing an act of kindness, is not following the mechanism of the *mitzva* of *sk*. Your idea that a *prz* does not prevent fulfilling *sk*, is feasible according to the Yereim – if the *mitzva* is always to not demand an existing loan, then the fact that there is a *prz* **might** not make a difference. On the other hand, the *mitzva* according to the Yereim is still talking about a case where it is forbidden to demand payment, whereas after *prz*, it is permitted. It is also difficult to predict how the Rabbinic nature of *sk* in our times impacts the *mitzva* mechanism (Minchat Asher, Shviit, 64).

The Ben Ish Chai (I, Ki Tavo 26) suggests making at least a small loan **after** making his *prz* to apply *sk* to. Teshuvot V'hanhagot (VI:280) disapproves of making Hillel's *prz* system look regrettable, but, in discussion of how one could apply *sk*, also assumes it would have to be with a loan to which *prz* does not apply. Rav Asher Weiss (*ibid.*) did not see the halachic sense in these efforts, especially if the “loan” (a misnomer) was never intended to be collected. If, though, one wants to show his excitement about the *mitzva* of *sk*, excluding it from the *prz* makes halachic sense.

“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.



Igrot HaRe'aya - Letters of Rav Kook

Two Complaints about Workers' *Chillul Shabbat* - #115-116

1. Date and Place: 14 Adar I 5668 (1908), Yafo

Recipient: Mr. Zev Gluskin, chairman of Carmel Wines

Body: Today I heard that two workers from the winery are suspected, in a manner that has a strong basis, of having desecrated the holy Shabbat in an obtrusive manner. I tasked the kashrut supervisor with sending them away from the winery until the matter can be clarified before me with witnesses and until the matter can be remedied for the future.

I will bring to your considered attention that it is proper to announce formally, in the name of the office of the winery's administration, the great weight of the concern about *chillul Shabbat*, from the commercial perspective and for the reputation of the winery in general. The wound in our heart is deep and dangerous. For the soul of the life of our nation, here in the Land of our Fathers, we need strength from all sides to enforce its value to us. The echo of the "voice of Hashem" of the covenant and the sign for all of the future generations is not heard because of the coarse and disrespectful tumult of ignorance and disgusting apostasy. True, my downtrodden soul will be consoled, for the period of drunkenness will not last long, and quickly our nation, especially the young generation, will return to sanctify the Holy One of Israel and that which is sacred to Him. The spirit of Hashem will lead us, as His Face will light the way for us to plant us in the Land He set out for us, with the dew of life which comes from the sanctum.

2. Date and Place: 25 Adar I 5668 (1908), Yafo

Recipient: The Council of Rishon L'tzion

Body: Today I was shocked by the rumor that some individual workers had the gall to desecrate Shabbat openly in a painful manner in the middle of the day in town, with work done to prepare a theatre. The flame that is burning in the depths of the wound of my soul from such reports, I cannot, my dear friends, give over to you in writing. I will rightfully beseech you not to allow this deed to pass quietly without your public scolding and an official protest.

I was happy to hear that within the town, this disgusting deed caused a stirring within the population. It is a sign of a Jewish soul that lives in their midst and the light of Hashem that shines in their hearts, which will still become more elevated, to our happiness and the consolation of hope on the holy soil and the home of our lives. However, it is not enough that there just be some agitation expressed in non-impactful speech, when we need to protect the entire soul of the nation, in regard to the day of sanctity and rest. When people without feelings or wisdom stand up to destroy our nation in the midst of the town in front of our eyes, the crown of Hashem that is on our heads [requires us to do more].

The obligation of the council is to protect the honor of the sanctity of the Holy Land and the honor of the nation, so that the Name of Heaven not be desecrated. To the extent possible, it should take a firm stand against those who desecrated Shabbat. Please use this event, as a lesson how low a spiritual deterioration could be and how damaging it could be if we will remain quiet and not take notice of the need to make a public protest of the council against every case [of *chillul Shabbat* done on behalf of the community]. This is especially true regarding that which was done publicly. You are an active group, whose job it is to protect the most important matters of the nation as they relate to its heritage.

May we be strong on behalf of our nation and the honor of Hashem, who led us to the land of our fathers, in which we dwell. We are full of brave hope to be liberated in its midst with the seed of Hashem as it was in times of old.

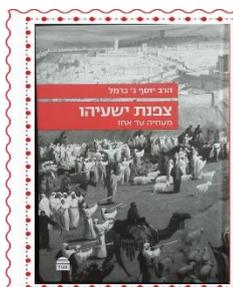
We daven for a complete and speedy refuah for:

Nir Rephael ben Rachel Bracha
Yisrael ben Rivka

Arye Yitzchak ben Geula Miriam
Yerachmiel ben Zlotta Rivka

Neta bat Malka
Meira bat Esther

Together with all *cholei Yisrael*



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 Israelii 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

A Worker who Received Pay without Coming to Work

(based on ruling 79018 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The plaintiff (=pl) is an educational counselor who worked for a school (=def) for 7 years, and was fired in 2018. Pl is suing to have his compensation package completed with the legally mandated fringe benefits, including pension and severance pay. Additionally, part of pl's salary was paid by an NPO, and he wants fringe benefits for that money too. Def has counterclaims against pl. In the two years before his dismissal, pl barely worked, so they demand return of approximately 102,000 NIS of salary. They also demand that pl complete payment for his children's tuitions at the school (98,000 NIS). Pl counters that it is standard that employees of def do not pay tuition to def.

Ruling: Def brought witnesses from their staff that pl stopped coming to work. Are they considered valid witnesses? The *gemara* (Bava Batra 46b) rules that a sharecropper can testify that the ostensible field owner is indeed the owner, but this is only if the sharecropper does not gain from the testimony. The Tur writes that if he has better conditions than the standard sharecropper, he is considered to have an interest in the testimony and is not believed, and this is how the Shulchan Aruch (Choshen Mishpat 37:2) rules. The Rama adds that any additional benefit from the testimony disqualifies him. In this case, the witnesses' salary is not impacted by the testimony. On the other hand, it is possible that they fear some form of retribution if they do not testify in accordance with their employer's will. While the Rambam (Eidut 16:4) rules that even a slight interest disqualifies, the Terumat Hadeshen (354) says that this is only when the benefit is definite. Here it is somewhat more difficult to accept the testimony because the witnesses took part in the decision to fire pl. However, in this case, because pl did not clearly deny the claims of at least highly reduced work hours and was evasive to *beit din's* questions on the matter (see Shur Harosh 107:6), *beit din* concludes that pl worked far under what was required of him. Nevertheless, pl does not need to return the pay he received. Since def was aware that pl did not deserve to get paid and did so anyway, and because members of def's administration admitted that their style is to go to great lengths to not cause hard feelings, we view it that they were *mochel* the money.

Pl receives fringe benefits for the time he was paid, as according to law, this must be provided to all paid workers. This includes severance pay, as pl was not told that he would be fired if things continued as they were. However, money paid through a different NPO are not def's direct responsibility, and def is not required to pay for the fringe benefits related to that pay, as pl agreed to accept the money from them, and knew they were not giving the fringe benefits. Pl has to pay his children's tuition. Pl knew that this demand was made of him and indeed paid part of the tuition. He did not prove that there is an absolute exemption for workers' children, and therefore it was and is def's right to hold pl to that obligation.

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