



HEMDAT YAMIM

Parashat Hashavua

Tzav, 10 Nisan 5783

Harav Shaul Israeli zt"l
Founder and President

"The Day after the Shabbat"

Harav Shaul Yisraeli – based on Shirat Hageula pp. 34-36

There were two stages in the *geula* (liberation) from Egypt – one on the first day of Pesach, when Bnei Yisrael were able to leave, and one at the splitting of the sea, when they no longer had to see the Egyptians again. There must be a reason that it could not happen at one time.

"Had Israel kept two *Shabbatot* properly, they would have immediately had a complete *geula*" (Shabbat 118b). It seems that this refers to two types of Shabbat. One is the weekly remembrance of Creation. The other one is *Yom Tov* ("the day after Shabbat" – Vayikra 23:15, which the *Tzedukim* were not willing to accept as the meaning of the *pasuk*), because it is a Shabbat which is created by the intervention of man, by setting the calendar.

What is the crucial significance of our setting the calendar? While the rule is that "everything is in the hands of Heaven," the task of sanctifying that which is mundane is man's. Man is a being of opposites, as he is made from earth combined with a soul from the divine. Whereas an individual has a struggle in dealing with the physical world, that is easier than for a nation, as an individual can put up partitions between him and the rest of the world. An entire nation cannot do so. It must collectively embrace the physical world. Someone needs to plant and harvest and grind ... These time-consuming activities can swallow a person up.

This was the task that was created for Israel when they left Egypt. As an independent nation, they would need to be involved in all elements of their national existence. Bnei Yisrael were to be a nation like all nations ... and unlike all nations. They would sing not just about its struggles but also about its harvest and its first fruit. But the approach to these agricultural elements has to be done according to the input of the Torah, which thereby sanctifies it.

This holiday is the second Shabbat, the one which only Israel, with its combination of flesh and soul, will create; it is not decided in the Heaven, and that is the nature of the day. How does one reach the spiritual content of the day? The special *mitzva* of the first day of Pesach is the eating of the *Korban Pesach*. This is different from other *korbanot*, for which the main part of the *mitzva* is the sprinkling of the blood. There are many fundamental *halachot* concerning the eating, and spiritually it represents the taking of material meat and turning it into something holy. This is how we prepare to celebrate the *geula* from Egypt, not by means of only a physical celebration or of a fully spiritual one, but of a mix that represents national sanctity.

Until the day after this Pesach celebration, it was not possible to take the first harvest of the field properly. It must be done without haughtiness, and only then can one begin to prepare for the giving of the Torah (*sefirat ha'omer* begins, ending with Shavuot). In that way, we do not suffice with a transformation from slavery to freedom but also from *shibud* ("we would still be *meshubadim* to Paroh in Egypt") to a fuller *geula*. We could have had an independent state in Egyptian form, which is what the people were used to. Only after eating the *Korban Pesach* were we spiritually prepared for a new national life, fundamentally disjoined from Egypt.

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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

Mechirat Chametz and Tevillat Keilim

Question: I never do *tevillat keilim* after Pesach on *keilim* I sell. Can that be justified?

Answer: Your excellent question has been bothering *Acharonim* for centuries. If one follows the apparent consequences of *mechirat chametz*, the relevant *keilim* should require *tevilla* because when a Jew sells a *kli* to a non-Jew and buys it back, it needs *tevilla* (Shulchan Aruch, Yoreh Deah 120:11). The determinant, regarding both stringency and leniency, is non-Jewish ownership, not his physical contact with the *kli* (ibid. 10-11). In fact, we take significant steps to ensure the *chametz* is halachically sold to the non-Jew (see Mishna Berura 448:12).

So maybe we should just do *tevilla*? While a handful of people do such a *tevilla* (it would be without a *beracha* – Yabia Omer VI, YD 11), the very broad *minhag* is not to do *tevilla*. The need for leniency is clear. If one sells all of his *chametzdik keilim*, it is a lot of work; if he sells just those it is hard to clean, the daunting problem is that a *kli* must be without *chatzitzot* for the *tevilla* to work (Shulchan Aruch, YD 202).

What is the mechanism for leniency? The straightforward approach is to not sell *keilim* that require *tevilla*. One does not need to sell a clean *chametzdik* utensil, as the prohibitions to possess *chametz* (= *bal yeira'eh* ...) and the resulting *chametz she'avar alav haPesach* (= *chshahp*) apply only to *chametz* that is *b'en* (roughly, intact), not that which is absorbed in a *kli* (Pesachim 30a; Shulchan Aruch, Orach Chayim 451:1). Any *mechirat chametz* contract that refers to selling particles that are absorbed in *keilim* is employing extreme *chumra*, and it is far from clear one can even sell them (see Mishpat Hamechira II:4:4).

A more reasonable problem relates *chametz* that is *b'en* but is difficult to remove (see Shulchan Aruch, OC 442:11), which can be the subject of *bal yeira'eh*. Some recommend selling only the stuck-on *chametz* without the *kli* (Shut Chatam Sofer I:109). The problem is that it is questionable if and how one can sell something while it is in the seller's utensil (see Shulchan Aruch, Choshen Mishpat 200:5). Therefore, some require to sell the *keilim* also (Ben Ish Chai I, Tzav 9). There are two alternatives to selling these *keilim*: 1. Rent out the *keilim* to the non-Jewish buyer, while selling the *chametz* stuck to them, which many say solves the acquisition problem (see Mishpat Hamechira ibid.). 2. Make sure the remaining *chametz* is totally inedible (see Shulchan Aruch, OC ibid.).

One who wants to avoid selling *keilim* must check the *mechirat chametz* text he is signing. Some are very broad, and include even *chametz* and *keilim* one does not realize he is selling. You can shop around for a less inclusive text or specify in your personal form that you are selling only things you put in the assigned places. If you do that, you will have *chshahp* problems if you failed to put in its place something that needed to be sold (see Living the Halachic Process III:D-20). (It is unclear to what extent one can rely on selling *chametz* one did not know about; the classic mechanism for such items is *bitul chametz* (see Pesachim 4b, 6b).)

There are *poskim* who approve of selling *chametzdik keilim* and not doing *tevillat keilim*. Haelef Lecha Shlomo (YD 193) says that *mechirat chametz*, as a "deception," is only effective enough for the *chametz* because we have *bitul chametz* as a fallback and not valid enough a sale to require *tevilla* for the *keilim*. The Aruch Hashulchan (YD 120:52) takes the same basic approach, that we do not need a full sale, but explains that even to the extent the non-Jewish buyer owns the *keilim*, it does not require *tevilla* because "the name of the non-Jew is not upon it." These ideas are plausible but their weakness is self-evident (see Mishpat Hamechira ibid.).

I personally prefer limiting the scope of *mechirat chametz* to what is needed, as extreme *chametz chumra* creates the need to rely on unusual *tevillat keilim kula*. However, one may simply follow his rabbi's *mechirat chametz* system and not do *tevillat keilim* thereafter.

"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.

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Igrot HaRe'aya - Letters of Rav Kook

Lessons from Europe? – #146 (part IV)

Date and Place: 17 Sivan 5668 (1908), Yafo

Recipient: We continue the letter to Rav Yitzchak Isaac Halevi, whose letters we have featured several times.

Body: In no way must we learn from the ways of Europe, although this is not an absolute rule, as we should learn “from the most refined of them.” However, nowadays, with such problematic ideas, it is difficult to identify these refined ones. Therefore, we must dig ever deeper into the Torah’s light.

The Torah cannot forever be limited to in-depth study of practical Halacha. The Torah’s spiritual part, in all its breadth and depth must make its way into the *yeshiva*. This includes homiletics, *midrashim* (revealed and sublime), books of inquiry, in-depth *Kabbala*, ethics, philosophy, grammar, and poetry. Certainly I refer to the poetry of the “scholars of truth” and the early pious; these are also part of the essential Torah. We cannot give them too much time and regularity, like the study of Halacha, Talmud, and early and late halachists, but we cannot prevent them from receiving a prominent place. This is particularly true in our times, especially in *Eretz Yisrael*, which requires spiritual engagement from its sons due to its natural sanctity. This is especially true in our generation, and in the *New Yishuv*, which requires spiritual medicine. This is not a European idea; it is fully ours.

You wrote: “The *yeshivot* in Yerushalayim need major fixing, and we should fix them so that they meet the generation’s needs and way of life, but we should not make them cease and build new *yeshivot* in Yafo.” [My response is that] only by founding a new *yeshiva*, which can, without opposition, incorporate a life of sanctity and boldness, and thereby instill a wonderful, holy spirit of purity, will it be able to spread to the *yeshivot* in Yerushalayim. Not only will those *yeshivot* survive; they will add grandeur. The center of the *New Yishuv* is so connected to a profound desire for the nation’s development with the spirit of Hashem within. Considering that and the central rabbinate of Yafo and the *moshavot*, if it is still unable to found a new *yeshiva*, then the *yeshivot* of Yerushalayim will be diminished. This is not due to competition with another *yeshiva* but by competition with the spirit of spiritual destruction, which has sparks of the flash of life, which every day drags hearts from the study halls due to the latter’s weakness and subdued spirit.

You suspect that I know only about Russian Jewry. If I had seen the floundering of German Jewry, who were not careful to fix the *yeshivot* but keep them otherwise as they were, then I would say differently. But I must point out that I am fully aware about life in the German Jewish community. While I have not seen it with my eyes, I have thought about it greatly based on reports I have received. It is this familiarity that compels me to want to start the type of *yeshiva* I am talking about.

My idea is like yours: “to fix the *yeshivot* but keep them otherwise as they were.” This means to bring a spirit of life into the Torah’s logic, so that the Torah can weather the present-day storm and increase the quantity and quality of Torah study, and study Torah with disciplines with which the old system did not become involved. This includes noting historical context and critical analysis, which have been forcefully snatched by the destroyers of the Torah. You are a pioneer in incorporating historical elements and thereby saving matters by using an intellectual approach that is faithful to Torah. The more people adopt this style, which is new to true Torah scholars, the more it becomes possible for others to increase knowledge in this manner.

Such a new approach will not, Heaven forbid, cause the Torah to be forgotten, remove knowledge of it from the rabbis, or make those who fear Hashem more like non-Jews than Jews. Rather it will broaden the intellect, increasing sharpness and knowledge and make the Torah more beloved, while elevating souls and banishing the foreign spirit, which erodes the House of Yaakov. When the spirit is elevated by knowing the greatness of the value of the Torah and of Hashem, by seeing its broadness, we will be able to properly sing Hashem’s praises.



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

Payments after a Gradual End of Employment

(based on ruling 82024 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The plaintiff (=pl) worked in the food industry for a company (=def) for four years. Due to Corona cutbacks in work, def put pl on unpaid leave in July 2020, originally for 3 months, but it was extended open-endedly. After over a year of receiving payment from *Bituach Leumi*, pl was still not returned to work. Pl claims that, practically, def fired him, and def is required to make the following payments: 1. Severance pay (upon firing); 2. Compensation for firing without notification; 3. Compensation for firing on personal grounds; 4. Payment for delaying severance pay. Def claims that they were allowed to fire pl for regularly breaking their contract by purposely working slowly so he could claim more overtime hours than he was authorized to take. However, def claims not to have fired pl, as they sent him messages that he can return to his work, and he never replied. The two disagree whether pl's social privileges should be just upon his base salary or also his global extra hours.

Ruling: We should note that *beit din's* policy is that employment legislation and ordinances are halachically binding.

We accept def's contention that they did not fire pl, as they did nothing to indicate firing. However, pl is still entitled to payment coming to those who are fired, as placing a worker in unpaid leave for an extended amount of time is worsening a worker's conditions, in which case a worker can quit and have the rights of one who was fired. However, since there was no firing, there cannot be a claim of firing without warning.

The Law of Equal Opportunity in the Workplace forbids discrimination against a worker for a variety of factors, including age, gender, and religion. However, pl did not pinpoint any reason for discrimination and certainly did not prove discrimination. Def also identified specific reasons why they were unhappy with pl's work, which were neither proven nor disproven.

Regarding the salary for calculating the social rights, def claimed that the pay for extra hours was not guaranteed but depended on whether he did the extra work or not. They point to the renewed contract that states that if there will be a reduction in hours worked, there will be a reduction in salary. According to the law, the basis of the salary for such matters as pension does not include additions to the base salary that are conditional on some factor, including extra work. During the later period of employment, pl did not receive the extra compensation in the social rights nor was his support during unpaid leave based on this amount, and pl did not protest the matter at that time. Even if pl was not aware of these factors, he still is not able to demand rights beyond what his contract awards him.

Pl also made a claim based on turning down a job offer due to his job with def, for which he should be compensated. We reject this claim. Not only is that a damage of *gerama*, but also if pl had wanted that job, he should have called def and gotten a picture as to his prospects regarding if and when he would be returning to work.

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

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