



HEMDAT YAMIM

Parashat Hashavua

Naso 7 Sivan 5783

Harav Shaul Israeli zt"l
Founder and President

Conversion and the Giving of the Torah
Harav Yosef Carmel

The surprising close connection between the holiday of the giving of the Torah and Megillat Rut, named for the ultimate convert, helps us arrive at the following important conclusions:

A. Conversion is very positive, allowing every person to choose to join those who stood at Sinai. B. All of Israel converted at Sinai, so that we are descendants of converts (Kritut 9a). C. Acceptance of *mitzvot* is an essential part of conversion (Yevamot 47).

The situation in contemporary Israel is different from that in the Diaspora now and in the past. Israel has hundreds of thousands of those who are not registered as Jews who are culturally Jewish citizens, including many with (some) Jewish blood/genes. According to the opinion the Rama cites (Darchei Moshe, Even Haezer 156:1, and to Shulchan Aruch 15:10), a Jewish father is Rabbinically connected to his non-Jewish children. It also includes those who are not able to prove their Jewish status due to the Holocaust or decades behind the Iron Curtain. They are not able to marry in Israel, both based on Halacha and on law. This also creates concern for unintentional intermarriage. Therefore, everyone should be troubled how to best solve these problems. (We proposed a partial solution for some of these people in Bemareh Habazak IX:30).

The greatest obstacle to conversion for most of the people is the need for sincere acceptance of *mitzvot*. Some leading *talmidei chachamim* suggested that the best solution is to convert members of these families when they are minors, at which time no one is capable of accepting *mitzvot*.

The source that it is possible to convert minors is Ketubot 11a, which bases the institution on the presumption that it is a *z'chut* (worthwhile) for a person to become Jewish. The question that *poskim* dealt with is whether it is a *z'chut* if the child will be in a family that is not educating him to keep *mitzvot*. (Those who want sources on the topic, can contact us at info@eretzhemdah.org.) We will now bring a unique case, in which we were involved, in which we recommended conversion in the following complex case.

A Jewish woman (from an Orthodox upbringing) unfortunately shared her life with a non-Jewish man. They tried to have children, but the woman had repeated miscarriages, so they used a surrogate mother who is not Jewish. There is an unresolved *machloket* on whether a baby's mother is the giver of the egg or whether the surrogate is the halachic mother, and in this case this determines whether the child will be born Jewish or not. Because of doubt, this girl would not be permitted to marry a Jewish man (because maybe she is not Jewish) or a non-Jewish man (because maybe she is Jewish). In such a case, it is definitely a *z'chut* for her to convert, even if she will not have a religious education.

Hopefully, converting the child will be a first step toward a return to a religious lifestyle, and she will follow in the footsteps of Rut the Moavite, the mother of the Davidic Dynasty. This would join her with the special legacy that began at Sinai.

May we open our hearts and homes to new immigrants to the State of Israel, who want a connection with the nation, and bring them close to Hashem with love.

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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

Cooking for Shabbat at the End of *Yom Tov*

Question: Are there any things to be careful about when cooking for Shabbat on *Yom Tov* that falls out on Friday, with the help of an *eiruv tavshilin* (=et)?

Answer: The laws of cooking on *Yom Tov* are the same when done for Shabbat (with an *et*) as when done for *Yom Tov* eating, concerning what one is permitted to do. The likely difference is in regards to **when** to cook, as we will explain.

Et, like *eiruvei chatzeirot* and *techumin*, is only capable of solving Rabbinic problems (Pesachim 46b). Rabba and Rav Chisda argue (ibid.) why cooking on *Yom Tov* for the following day of Shabbat is not a Torah-level prohibition. Rav Chisda says that according to Torah law, the needs of Shabbat (on the next day) are a legitimate reason to do *melacha* just as the needs of *Yom Tov* are (Rashi ad loc. explains that the *kedusha* of the two are one). Rabba says that even when one cooks on *Yom Tov* for a weekday, he is not guilty of a full-fledged violation because of “*ho’il* ...,” which works as follows. We cannot conclude that the cooking on *Yom Tov* will not be eaten on *Yom Tov*, despite his plans to use it for Shabbat, because he could always be surprised by guests on *Yom Tov* to whom he would give the food. According to both *Amoraim*, the remaining Rabbinic prohibition is permitted based on the institution of *et*.

Tosafot (ad loc.) points out that *ho’il* does not apply to cooking one starts at the end of *Yom Tov* because the food will not be ready for the guests to eat until after *Yom Tov*. Therefore, says the Magen Avraham (intro. to Orach Chayim 527), we should not do the cooking at the end of *Yom Tov*, as at that time, i.e., without *ho’il*, there is a Torah-level prohibition, which *et* cannot remove. This stringency is predicated on the presumption that we accept Rabba’s opinion (above) over Rav Chisda’s, as the latter posits that even without *ho’il*, there is no Torah prohibition on cooking done on *Yom Tov* that falls on Friday for Shabbat.

However, the Mishna Berura (527:3) says that if one finds himself too close to Shabbat to cook food that will be usable on *Yom Tov*, there is room for leniency. In the Be’ur Halacha (to 527:1), he justifies this due to the existence of *Rishonim* who accept Rav Chisda’s approach that the Torah does not forbid cooking on *Yom Tov* for Shabbat even when the food will not be ready on *Yom Tov*. It is possible that the Rambam (*Yom Tov* 1:13; ibid 6:1) takes this approach (see Beit Yosef, OC 527; Chemed Moshe 527:1).

The Mishna Berura (ibid.) is significantly more accepting of such a leniency when Friday is the second (Rabbinic) day of *Yom Tov* (as opposed to how Shavuot falls out this year). The Shemirat Shabbat K’hilchata 2:12 is likewise equivocal about leniency, even in the case of need, on the first day of *Yom Tov*.

There is another point that makes it somewhat easier to be lenient – the possibility of violating a Torah law by cooking at the end of *Yom Tov* on Friday may be rare or even non-existent (see Avnei Nezer, OC 397). If the food reaches *ma’achal ben d’rusai* (minimally cooked) before *Yom Tov* finishes, then *ho’il* should apply (the Pri Megadim, intro. to Hilchot Shabbat 34 is skeptical whether *ma’achal ben d’rusai* suffices in this regard). If it will not reach this point until Shabbat, then one did not violate *Yom Tov* by Torah law because the *melacha* was not complete on *Yom Tov* and he did not violate Shabbat because the action was done before Shabbat. The Pri Megadim (ibid.) disagrees, stating that cooking that began on *Yom Tov* is a Torah-level violation even if it finished after *Yom Tov*. Even according to the Pri Megadim, there should only be a problem if one started relatively close to the end of *Yom Tov*, which is rare to happen considering that women light Shabbat candles (and cease *melacha* due to Shabbat) and men usually go to *shul* well before the end of *Yom Tov*.

In summary, it is important not to leave the cooking for the end of Friday. However, there is room for leniency *b’dieved*. If one put up the food reasonably before Shabbat, it is not necessary for the food to be fully cooked on *Yom Tov*.

“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

Not Copying Western Seminaries – #149 – part IV

Date and Place: 4 Menachem Av 5668 (1908), Rechovot


Recipient: Rabbi Yitzchak Isaac Halevi. As mentioned, we have featured many letters between the two. Most of this letter deals with the ideological negotiations between the two, around the question of Rav Halevi's help with Rav Kook's proposed *yeshiva*, specifically with regard to avoiding negative impact of new styles. This final piece deals with the positive of the broadness of the studies.

Body: I am not saying that all the *yeshiva*'s students should be very learned in all fields, which is an impossible aspiration. There are rare individuals who are born with such talents that they can absorb all matters, but for the most part, each will branch off to his own field, and one is able to learn only from the "place" that his heart desires (Avoda Zara 19a).

Collectively, though, the *yeshiva* must provide the nation everything that it is missing. Since among the things that attract the heart in our times and are influential in people's lives, are literature and poetry, we must see to it that in this field as well, we will have our people involved in it. It should no longer be allowed that everyone with a literary talent and every famous poet must by necessity be an atheist and a sinner in the nation. We must destroy this "tower of deception" and show the whole world the grandeur and pleasantness of poetry and literature, which will flourish when they are connected to the natural and reliable source of the life of the nation, the well of pure water that Hashem is.

Regarding filling rabbinical positions for the agricultural settlements, although we cannot keep them waiting until our future young students will be fit for such positions in the *New Yishuv*, we can remedy the situation by taking some of the choice students of the *yeshivot* of Yerushalayim, Tzfat, and Teveria. There are individuals there who are fit for such positions, and after tutelage for a year or two, they can become used to leadership as is needed to be a rabbi in an agricultural settlement and to the style of life that is acceptable there. If we will find enough resources, we can meet the target of placing appropriate rabbis, who will find favor and bring grandeur to the settlements, in a short time. Their words and their manners will be well-received, and they will be able to do a lot to raise the stature of Judaism. They will also pave the way for those who were trained from the outset by our proposed *yeshiva*, who will be "armed with a wide variety of weapons" that are needed for a generation that comes to take control of *Eretz Yisrael*. They should be able to do so in a more complete and adorned manner.

I would say generally that I do not find a major division between our outlooks. I am certainly willing to listen to the advice of someone of your stature. I would like to tell you that I am very far from following my first thought in a hasty manner. Whatever I decide, especially in matters that affect a broad group of people on crucial matters, is done after great consideration from all possible perspectives and with a clear focus on acting according to the sake of Heaven without any personal interests, Heaven forbid. Even after that, I am prepared to lower my head before the leaders of the Nation of Hashem who are also involved with the heart and soul of questions of strengthening the Torah of Hashem and His covenant with Israel, to build the foundations for the redemption of Hashem for His nation in His Coveted 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.

Buy Now

P'ninat Mishpat

Agent who Did Not Set Agent's Fee – part II

(based on ruling 82141 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The plaintiff (=pl), a real estate agent who specializes in apartments in the Chassidish sector, put an ad in the paper for an apartment (=apt) at 2.4 mil. NIS, and def bought it through her. Pl demands a 2% agent's fee. Def refuses to pay any fee with various claims. [The claim that is relevant to this part of the ruling is:] Pl is not a licensed agent, did not sign def on an agent's contract, as required by law, or raise the issue of how much of a fee she expected to receive.

Ruling: [Last week we saw that pl provided an important service for def, who was aware she was an agent, and beit din ruled that she should receive a fee despite not complying with all of the requirements of the law.]

The majority opinion is that pl shall receive a full 2% fee. This is based on the idea that when there is a lack of stipulation, we follow the common practice (Shulchan Aruch, Choshen Mishpat 331:1). Experts in the field confirm that 2% is the standard rate for a buyer to pay. It is true that it is not uncommon to pay less (although this is less common in as popular a market as the area in question), but the practice is that the agent sets the price and if the buyer does not agree, he is to lower it by means of negotiation. As the K'tzot Hachoshen (331:1) says, if a side's intention is not like the *minhag*, he should have stipulated.

In this case, we believe def that he did not intend to pay 2%. However, this was not with the assumption that pl would agree (as def unintentionally admitted), but rather def planned to deceive pl. In other words, by waiting to make an issue of the fee until after he signed his purchase contract, def could use his hold on his money as a means of leverage, as he could scare pl that she might not get anything (as he tried to achieve) if she did not agree to his terms. *Beit din* posits that when the lack of negotiation was in bad faith, the buyer is not to benefit from the fact that sometimes there are negotiations, and def should pay according to the common practice for cases without stipulation.

The dissenting *dayan* reasoned that since reductions do occur and since pl was wrong for not having a contract (it encourages tax evasion and gives pl an unfair advantage over others), for not signing def to a contract (which would have stated the rate), she must take some responsibility for the lack of agreement. Therefore, def should pay 1.75% rather than 2%.

The majority responded that it appears that pl did not sign people not in order to get an advantage or sneak by a 2% fee without presenting it to the buyer, but because it is standard behavior in their community to trust clients within the community. We also believe that after this experience, pl will start signing people to contracts. If there had been a misunderstanding between the sides, we would agree to lower the fee for the dissenting *dayan's* reason, but here def was attempting deceit rather than suffering from a lack of clarity.

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

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Ori Leah bat Chaya Temima

Arye Yitzchak ben Geula Miriam
Yerachmiel ben Zlotta Rivka

Neta bat Malka
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