



HEMDAT YAMIM

Parashat Hashavua

Vayechi, Tevet 11, 5785

Harav Shaul Israeli zt"l
Founder and President

What Will Happen in the "End of Days"?

Harav Yosef Carmel

The root *achar* (after, end) comes up twice in our *parasha* (Bereishit 48:1; 49:1).

After burying Yaakov, the brothers worried that Yosef would now avenge his sale, and they turned to Yosef with a story of Yaakov's request that he forgive his brothers. This brought closure to Yosef's pleas for mercy to his brothers when they threw him into a pit. Later, the brothers completed their plea by falling before him like slaves and offering to be such (ibid. 50:18).

Yosef's inspiring reaction contains five notable elements. 1) "Do not fear; am I in place of *elohim* (apparently meaning a dictator - ibid. 19)?" 2) He did not prosecute them, despite pointing out that they thought badly of him (ibid. 20). 3) He promised continued support (ibid. 21). 4) "He consoled them" (ibid.) = strengthening unity. 5) "He spoke to their heart" (ibid.) = further effort that proves his sensitivity. The righteous Yosef put great effort into creating family unity despite the disagreements. This ensured a future liberation for which Yosef gave the password ("*pakod yifkod*" - ibid. 24).

In late 5783, our nation was in a terrible way – close to a civil war. The political dispute turned into incitement and aggression. Extremism on all sides grabbed center stage; people accused the other side of being the inferior side of society (*arava*) and were sure they were society's saviors (*etrog*). Hashem waited all of Elul (its initials hint at "each person to his friend and presents for the poor" – Esther 9:22). Instead of improvement, the shouting increased. Hashem decided to wait, in vain, until after Yom Kippur (arguably the last day of 5783). The final chance was Hoshana Rabba, after which the slate of 5783 was definitely sealed. This is the day on which even *aravot* are leaned on the altar, but we still failed. Instead of receiving its *pitka tava*, our failure turned Simchat Torah into Tisha B'Av – a day of destruction, slaughter, and terrible cruelty that befell our nation, brethren coming from all elements of society.

This forced upon us a war of no alternative, of "saving Jews from an oppressor" (see Rambam, Melachim 5:1). We "woke up" and a new spirit – volunteerism, giving, bravery, and unity throughout society's subdivisions – filled the Land. Brave soldiers, with brave mothers, wives, and families. A strong thirst developed for a spiritual connection to the Divine Presence and His nation.

Let us do all we can to preserve this spirit. As long as war is raging, we must bury political differences and personal ambitions and focus only on saving the People and State of Israel. Elections can wait until there is quiet. Then, candidates will be judged for their degree of concern only for the *khal*, or Heaven forbid, whether they still stoked hatred. Eventually, everyone can return to promoting his beliefs, but with the new realization of the need to listen to others and treat them as "*etrogim*," even if they have elements of *aravot*. Unfortunately, after tremendous victories to this point with Divine Assistance, dispute and voices of extremism are returning. We must not allow them to grab center stage; all must be done with a spirit of brotherhood. May we be victorious through unity and have an "*acharit*" of "*pakod yifkod*" for good, just as we did in the past because of Yosef's efforts. May this start with the war resulting in the manner we prayed for, and include consolation and recovery for those who have paid heavy prices.

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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

“Cooked” and Sweetened Wine for Kiddush

Question: Some reputable kosher wines claim to be kosher for *Kiddush* because they are not *mevushal* (cooked), but some of them have added sugar. How can it be fit since it is not *ra'uy lamizbeach* (fit for *nesachim* (libations))? Also, is wine with sugar excluded from problems of *stam yeinam* (= *styn*; a non-Jew touching the wine)?

Answer: The *gemara* (Bava Batra 97a-b) indeed says that only wine that is fit (*b'di'eved* suffices) for *nesachim* is valid for *Kiddush* and discusses various cases, but not *yayin mevushal* (= *yymv*). Another *gemara* (Avoda Zara 30a) says that a non-Jew's touching of *yymv* does not make it forbidden, and this is likely because it is not fit for *nesachim*. Rashi (Shut 88) rules that *yymv* does not count as wine to the extent that its *beracha* is *Shehakol*. Tosafot (Bava Batra 97a) understands Rashi's rationale as being because the cooking makes it deteriorate, but derives from a Yerushalmi that *yymv* is wine and is valid even for Pesach's *arba'ah kosot*. The Rambam (Shabbat 29:14) disqualifies *yymv* for *Kiddush* because it is not fit for *nesachim*. The Shulchan Aruch (Orach Chayim 272:8) cites both opinions, but prefers the lenient one. The Rama (ad loc.) supports the lenient opinion if one does not have uncooked wine of equal quality. Concerning the *beracha*, we clearly rule that it is *Borei Pri Hagafen* (Shulchan Aruch, OC 202:1).

We can understand why you want to be *machmir* to avoid *yymv* for *Kiddush*. However, most people are not *machmir*, and it is worthwhile to respect that and understand the likely rationale. For one, nowadays “*yymv*” usually means pasteurized (lower temperature than what we would normally consider cooking). *Poskim* dispute whether pasteurization is considered *yymv*. Regarding *styn*, the Shulchan Aruch (Yoreh Deah 123:3) is somewhat lenient on the degree of cooking (see Yabia Omer VIII, YD 15), and Rav Moshe Feinstein is lenient if it reaches 175° F; Rav SZ Auerbach is stringent regarding *styn* on pasteurized wine (Minchat Shlomo I:25). Stringency regarding *styn* indicates leniency regarding *Kiddush*. Furthermore, the reason that a lot of kosher wine is *yymv* is that it is difficult for the public to ensure that they will not have *styn* problems, sometimes with little warning. Therefore, for a *shul* or a family to have a policy of using *yymv* makes enough sense to be at least as important as using it because of its superior taste (see Rama above).

Adding in sugar is equivalent to the classical *poskim's* discussion of adding honey. While the Rambam (ibid.) is confident about *yymv* being a problem for *Kiddush*, he is equivocal about wine with added honey. This likely has to do with the addition being done to improve the taste or that is a minority of the wine. Apparently, even Rashi would agree that we would follow the majority and make *Borei Pri Hagafen* (see Rama, OC 202:1). So in some ways, if one wants to be *machmir* but has a choice between *yymv* and sweetened wine, the latter could be preferable (Kitzvei Harim 51). This is strengthened by the likelihood that one bought the sweetened wine because he prefers the taste. If sweetened non-*yymv* has a problem of *styn* (see below), *yymv* could have at least one advantage, as discussed above.

Does added sugar remove the problem of *styn*? There are some grounds to claim that the *styn* leniency of *yymv* does not apply to sweetened wine (see Rosh, Avoda Zara 2:13). However, the Rambam (Ma'achalot Assurot 11:10) equates the two in this regard based on fitness for *nesachim*. The Shulchan Aruch (YD 123:4) rules that sweet additives remove the problem of *styn* if it changes the taste. It is very unclear how to figure out whether a wine qualifies for this leniency. In practice, while many kosher wines write on the label that is *yymv*, to indicate no *styn*, I have never seen a *hechsher* that wrote that is sweet enough to remove *styn*. We would not recommend making assumptions on these grounds unless it is a drink that has so much of additives that it does not come across as a normal wine.

“Behind the Scenes” Zoom shiur

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Igrot HaRe'aya - Letters of Rav Kook

Concern for Communal *Kashrut* Standards – #288, 290

#288 – Date and Place: 4 Nisan 5670 (1910), Yafo

Recipient and Background: Shimon Rokeach, Betzalel Lopin, S.B. Novovelsky. All three were apparently religious lay leaders in Yafo. The former was instrumental in bringing Rav Kook to *Eretz Yisrael*/Yafo.

Body: You can rest assured that you calmed me with your dear letter. I was not, Heaven forbid, included in those who suspect the innocent, beloved and honorable friends such as you. However, the phenomenon that those with whom I shared the most reliable love turning into those with a dry, correct relationship without any dew-like moisture of love, has brought me to very tormenting thoughts. I remember my dear ones from days past, when I was always glorified in my place with pervading love surrounding me. It was full of gentleness of the spirit and excitement of the heart, when the choicest people in our nation would greatly enjoy doing things I wanted and broadening my thoughts.

Now I am compelled to give up on what was important to me and delay the improvement in the field of *shechita* (ritual slaughter), until a week after Pesach. However, I could not hold back from making your honorable hearts aware of the great gain over what we are losing by delaying the matter when we had the right opportunity now. We could have had a situation whereby all the questions of *shechita* would have been centralized under my purview, without anyone's opposition. At my side, I would have had a rabbinical council to raise the banner of *kashrut* supervision in a proud manner that would have sanctified His Name. Now, due to the delay, everyone's resolve has weakened. The rabbinical council has also been discouraged because of the delay. It brings pain to my heart, because such a major and lofty improvement in a fundamental matter of Judaism, was for naught because of quarrels between lay leaders, who should not have been involved in a matter of *kashrut*.

In any case, I am full of love and friendship for you, and I have not given up my hope that all will return to a good state with His great kindness.

#290 – Date and Place: Nisan 5670 (1910), Yafo

Recipient and Background: Rav Yechiel Michel Tuketzinski, an important rabbi, educator, and author of halachic works in Yerushalayim, was a protégé of Rav Kook.

Body: I feel it necessary to point out to my respected friend that we want you to be with us in supporting the founding of a kosher kitchen on the Russian ship. The matter was almost cancelled because of a lack of interest, Heaven forbid. However, thank G-d, we were able to strengthen ourselves with the help of R. Betzalel Lopin. We instituted a council, and we spent enough resources to support the effort, even though it included money that we did not have.

However, now the matter is standing idle, and it is necessary for an organization of G-d fearers who are interested in such a wonderful project to put in the needed effort. This matter is a merit for the community, and sanctifies Hashem's Name and the name of Israel, as well as being an honor and grandeur for the Holy Land and its communities.

I have also written to our friend, Rav Aizik Ben-Tovim, and I asked him to work with you and choose one other important person to create a special council, as we have done here. Together we can seek counsel as to how to sustain this holy project, may Hashem help us for the sake of His Honored Name.

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

Itamar Chaim ben Tzipora

Moshe Mordechai ben Zina

**Nir Rephael ben Rachel Bracha
Ori Leah bat Chaya Temima**

**Arye Yitzchak ben Geula Miriam
Tal Shaul ben Yaffa**

**Neta bat Malka
Meira bat Esther**

Together with all *cholei* Yisrael

P'ninat Mishpat

Spillover of Courtyard Dispute

(based on ruling 81059 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: [Last time we discussed a dispute over rights to a courtyard. Now we deal with regrettable consequences of that dispute.] *Pl* and *def* accuse each other (husbands and wives) of various affronts. *Pl* accuse *def* of putting up in the building derogatory, inflammatory notes stemming from their dispute, making false accusations, calling the police about them for no reason, spilling garbage on *pl*'s property, and of various physical altercations. *Pl* demand 100,000 NIS in compensation. *Def* accuse *pl* of spreading rumors that *def* is a pedophile, of physical attack (they sent a video of one), and of sending someone to break the courtyard fence's lock. *Def* demand 70,000 NIS. There are also charges for damages: 1) 3,000 NIS – to storage containers against *pl*; 2) 4,500 NIS – to doors of storage container against *pl*; 3) 1,400 NIS – breaking five bicycles against *pl*; 4) 3,000 NIS – to alcove of gas canisters against *def*. *Pl* also demands that *def* remove security cameras that *def* installed in the stairway and the courtyard.

Ruling: *Beit din* excoriates both sides for their actions and accusations. These are unacceptable for cultured people. The *gemara* (Bava Metzia 58) equates public embarrassment to murder. Both sides should do *teshuvah*, including asking forgiveness from the other side.

On the matter's legal side, the Shulchan Aruch (CM 421:13) ruled that if Reuven attacked Shimon and in the process, Shimon injured Reuven, Shimon is exempt from payment. The Rama continues that if Reuven attacked Shimon and Shimon called him a *mamzer*, he is exempt because it is expected that one who is attacked will react strongly, even when he is not permitted to. The Yam Shel Shlomo (cited by the Pitchei Teshuva, *ibid.* 3) says that while it is forbidden to hit one who called him inflammatory names, he is not considered a *rasha*. The responding side must not overdo the reaction in comparison to what he suffered.

In this case, both sides attacked their neighbors in a manner that they should be ashamed of, but it has not been proven that one side was the main culprit. Therefore, neither side deserves compensation. Also, most of the mutual claims were denied by the other side. The video sent shows an altercation, but it does not show who started it. As far as what was said in *beit din*, *beit din* does not obligate a side for *lashon hara* said in court, as the sides have license to make harsh claims in advancing their arguments.

The damages mentioned in #s 1-3 were not proven to be attributable to *pl*, and therefore *beit din* will not obligate payment for them. *Def* admitted to damaging the gas alcoves, but *def* claim that his father built them, not the municipality or *pl*'s parents; when there were good relations, *def* did not mind that *pl* used the alcoves, but now he does. *Beit din* rules that if *pl* gets information from the municipality that they provided the alcoves and will not fix them, *beit din* could possibly rule that *def* must pay.

The cameras in the joint area invade *pl*'s privacy and must be removed. The ones in the courtyard are *def*'s prerogative, as long as their range does not extend to the public areas.

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