



Parashat Hashavua Acharei Mot Kedoshim, Iyar 12, 5785

Harav Shaul Israeli zt"l
Founder and President

Kedoshim Teh'yu, Goy Kadosh – Are They Related?

Harav Yosef Carmel

Our Torah reading begins with the commandment, “*Kedoshim teh'yu* (Be holy)” (Vayikra 19:2). Rashi explains that it means to “separate oneself from illicit relations and sin.” The Ramban takes it in a different direction, saying that the Torah wants to keep us from over-indulgence even in permitted things, so that we do not become “disgusting with the Torah’s permission.”

Before the giving of the Torah, we were also told about the importance of being holy, as we were urged to become a “*mamlechet kohanim v'goy kadosh* (a kingdom of *kohanim* and a holy nation)” (Shemot 19:6). Is there a connection between the two exhortations to be *kadosh*?

Rashi explains that a kingdom of “*kohanim*” refers to officers, but he does not explain what a *kadosh* nation means. The Ramban says that the former refers to servants/helpers of Hashem, and a holy nation means to cling to Him, invoking our *pasuk* of *kedoshim teh'yu* as corroboration.

The Rambam’s son, R. Avraham, surprises with a different direction. He speaks of *kedusha* on an individual basis and on a collective basis. To understand this, let us take a look at the context (Shemot 19:1-10) of this idea that the whole nation is to be made up of *kohanim* and holy people. The Torah describes the preparations of Moshe and Bnei Yisrael for the great events at the foot of Mt. Sinai. The willingness of this group of people to accept the rigors of following the word of Hashem even before hearing all of the precepts in advance makes them a special nation, dear to Hashem. This is the collective holiness that R. Avraham spoke of.

Am Yisrael as a collective is holy. Certainly, when the people are united, this finds greatest expression, and we can apply “Your nation are all righteous” (Yeshayahu 60:21). In order for *Am Yisrael* to be considered a true collective, it needs to be free from the servitude of Egypt and possess its own Land. It requires independence, which is an intrinsic part of this ideal situation. An independent Jewish state is a holy thing that we must guard to the fullest extent and must be partners in its defense. This unified collective is called “*K'neset Yisrael*.”

Am Yisrael is Hashem’s “bride,” and therefore it cannot be enslaved to or in the domain of anyone else. The *midrash* (Tanchuma, Kedoshim 2) captures this concept, comparing the situation to a king who married a woman and said, “Since you have become married to me, I am the king and you are the queen, and each of us is an honor to the other.” This, explains the *midrash*, is the reason the root *kadosh* (meaning holy and meaning betrothed) is used in the people’s preparation for the acceptance of the Torah at Sinai (Shemot 19:10). As Hashem’s “wife,” we became a *mamlechet kohanim v'goy kadosh*.

There is also an obligation of holiness in each and every individual. This encompasses the multitude of specific *mitzvot* of the Torah and all of the Ten Commandments. As we cherish our national independence and improvements in unity and connection to the collective, which makes us “all righteous,” we will continue to strive to use pleasant ways to try to strengthen the individual holiness of as many as possible. This will bring on the next steps of our already begun national liberation.

Hemdat Yamim is dedicated to the memory of Eretz Hemdah's beloved friends and Members of Eretz Hemdah's Amutah:

Harav Moshe Ehrenreich zt"l Nissan 1, 5785

Rav Shlomo Merzel z"l Iyar 10, 5771	Rav Yisrael Rozen z"l Cheshvan 13, 5778	Mr. Moshe Wasserzug z"l Tishrei 20, 5781	Rav Reuven & Chaya Leah Aberman z"l Tishrei 9, 5776 / Tishrei 20, 5782	Prof. Yisrael Aharoni z"l Kislev 14, 5773
R' Yaakov ben Abraham & Aisha and Chana bat Yaish & Simcha Sebbag z"l	R' Yitzchak Zev & Naomi Tarshansky z"l Adar 28, 5781/ Adar II 14, 5784	Mr. Shmuel & Rivka Brandman z"l Tevet 16 5783/ Iyar 8, 5781	R' Meir ben Yechezkel Shraga Brachfeld z"l & Mrs. Sara Brachfeld z"l Tevet 16, 5780	
Rabbi Dr. Jerry Hochbaum z"l Adar II 17, 5782	Rav Asher & Susan Wasserteil z"l Kislev 9 / Elul 5780	R' Abraham & Gitta Klein z"l Iyar 18 / Av 4	R' Benzion Grossman z"l Tamuz 23, 5777	
R' Eliyahu Carmel z"l Rav Carmel's father Iyar 8, 5776	Mr. Shmuel & Esther Shemesh z"l Sivan 17 / Av 20	Mrs. Leah Meyer z"l Nisan 27, 5782	Mrs. Julia Koschitzky z"l Adar II 18, 5782	Rav Moshe Zvi (Milton) Polin z"l Tammuz 19, 5778
Mr. Zelig & Mrs. Sara Wengrowsky z"l Tevet 25 5782 / Tamuz 10 5774			Nina Moinester, z"l, Nechama Osna bat Yitzhak Aharon & Doba z"l Av 30, 5781	

Hemdat Yamim is endowed by Les z"l & Ethel Sutker of Chicago, Illinois,
in loving memory of Max and Mary Sutker & Louis and Lillian Klein z"l

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

Ask the Rabbi

by Rav Daniel Mann

Selecting Things to Use Later on Shabbat

Question: Before leaving the house on Shabbat, may I select a hat from a box of hats in case I will be cold on the way home, or is that a *borer* problem, because the selection is not for immediate use?

Answer: The three requirements (each required by Torah law) of permitted *borer* (selection), when separating two things that are “mixed together” (*ta’arovet*) are: 1. One takes what he wants from what he does not want; 2. He does not use a special separating utensil; 3. The separated item will be used “immediately” (*l’altar*) (Shulchan Aruch, Orach Chayim 319:1-2). You ask about whether one who does not plan to wear the hat for quite a while but is leaving the house now is considered *l’altar*. At first glance, if you will not use the hat anytime soon, it is not *l’altar* and is therefore forbidden (how long is a good question – see Rama ad loc.). Possible arguments that it is still *l’altar* are: A. Since you do not have an opportunity to do it later, the last possible time might be *l’altar*; B. Maybe leaving the house “properly equipped” is considered a use as you leave. Are these arguments correct?

Shemirat Shabbat K’hilchata (3:(190)) posits that the fact that this is the last opportunity to select does not turn the selection into *l’altar*. As far as leaving the house equipped, he cites (3:(185)) Rav SZ Auerbach as saying something **similar** (not all agree): If one selects something to lend to a friend, it is fine if he selects soon before giving it even if the friend will use it only later because, from the lender’s perspective, his use (giving to his friend) is done right away. In your case, though, you are not thinking of “helping yourself” but about being ready if you are cold later, and this is not *l’altar*.

There are, however, other reasons that might permit taking the hat, in certain cases. While the *gemara* talks about separating good and bad (*pesolet*), *Rishonim* apply it also to separating two things that are both good (but one is wanted now), if the two items are of different *minim* (types) (Terumat Hadeshen I:57; Rama, Orach Chayim 319:3). Two different species of fish are two *minim* (ibid.); one species of fish but one is cooked and one is fried are two *minim* (Chayei Adam II, 16:5; Mishna Berura 319:15); if the difference between the pieces is size, it is one *min* (ibid.).

If the contents of the box are all interchangeably usable hats (women are often more discerning), they are likely to be one *min* and there will be no *borer*. *Poskim* say that if one wants to choose a **specific** book or article of clothing, *borer* does apply (Shemirat Shabbat K’hilchata 3:68-69). It is unclear where to draw the line on the question of how different the hats are from each other and how thought out your preference of one is (e.g., color match, quality, appropriate for Shabbat). If you cannot determine there is one *min*, if you are willing to take the first one that comes to hand without choosing (and without repeating until you are satisfied), it is not *borer* (see ibid. 78).

While we assume there can be a *ta’arovet* of relatively large objects (see Terumat Hadeshen ibid.), *borer* is less likely with large objects (see Shevitat Hashabbat, Borer 11). It is possible, then, that if the hats are arranged in an orderly manner, there is no *ta’arovet* (see Orchot Shabbat 3:23).

There are two possible ways to solve an existing *borer* problem. According to Rav Moshe Feinstein (Igrot Moshe, OC IV 74), one can undo the *ta’arovet* by randomly throwing its contents in a manner that the items become clearly distinct, and then there are no requirements. Not all agree to this “divide and conquer” approach (see Orchot Shabbat III:119).

Another suggestion is to “create” an immediate use, by wearing the hat you choose for a short time. It can be a contrived use (see Shemirat Shabbat K’hilchata 3:69), like the Be’ur Halacha’s (to 319:4) idea for one removing bones from meat to lick them before discarding them. A prominent rabbi told me that you would not need to enjoy wearing the hat at all, but there might be some bar to reach (see Piskei Teshuvot 319:12).

“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.

► [SEND NOW!](#)



Igrot HaRe'aya - Letters of Rav Kook

Reassuring His Parents – #314 – part II

Date and Place: 23 Sivan 5670 (1910), Yafo

Recipient and Background: Rav Kook's parents and brother. The main topic is to calm his parents' upset at the criticism Rav Kook received about *Shemitta*. His thanks to his parents include realization of some of his special qualities.

Body: Thank G-d, the recognition of the Torah of life's pleasantness, especially the honor and belief in land-based *mitzvot*, is expanding in our holy Yishuv on a yearly basis. This is helped by the approach of love and truth you bestowed upon me, your servant, from your pure spirits, dear parents. Because of you, I am enveloped with Hashem's peace and grace, which I feel with my whole soul whenever I stride upon holy soil or go to inquire about the welfare of my brethren and their agricultural plots and try to uphold the laws of land-based *mitzvot* on a yearly basis. Their rays of aura light up the chambers of my heart and kidneys, uplifting my spirit with the joy of the Desired Land, every moment of every day, with a heart full with anticipation for the salvation of the remnant of a nation bound to hope. This is Hashem's great nation, which is exalted in the world by Hashem's great love for it.

Heaven forbid, you, the source of my glory, should not allow into your hearts even the smallest hint of anguish on these matters (the *Shemitta* controversy). I rely on His blessed name, that that which is for me honor and not disgrace will only improve with the help of those with a sensitive spirit. They will reveal from the depths of their hearts their slumbering senses, and will be inspired to serve Hashem and His nation on holy soil and work the land with full enthusiasm, without regard for silly personal interests. Rather, they must know that even from a lowly station, they are involved in the loftiness of the emerging of Hashem's salvation for His nation and lot.

My only pain centers on that which many still do not realize – all those who fear Hashem truly strive for one goal; there is no quarrel in the normal sense. I hope that this will be realized, so that Hashem's honor will return to all those who strive to do Hashem's will (may they succeed). [*Rav Kook then went into his Shemitta strategy, which we have seen before.*]

I again ask my honored father not to have any pain due to this; rather, rejoice in Hashem's kindness for allowing me to come to His holy mountain and live in the shadow of Hashem's eternal city. Even if many of its residents act in a way we cannot accept, the Land loses none of its eternal value as the place where Hashem desires to dwell forever. We dream about the return of its sons from captivity abroad and see the weak rays of light, which still shine through the darkness, as its children return to it. The bitter taste, which we taste sometimes from those who mistakenly do not recognize the ways of peace in all its glory, will also sweeten. We are full of vigor, knowing that Hashem accompanies us on our path. My intentions are, thank G-d, purely on behalf of His nation and lot, the joy of our lives.

My dear [brother] Shmuel – While your words are consistent and have a spirit of justice and pure belief, it is correct to broaden our thoughts and judge everyone meritoriously, even if it requires creativity. We must never forget that in all ideological wars, when emotions calm, those who are critical on both sides find both light and shade. With the spirit of knowledge and fear of Hashem we shall know that all of man's plans, thoughts, and actions in the world, whether in broad or limited circles, are prepared by He who anticipates the generations from the outset to help and embellish the world, to shine light and remove darkness. While we make the efforts to fight for the things we believe in, our emotions must not sweep us away. We must always know that there is a broad place for the opposite feelings of others and that the G-d of the spirits of all living things made all that exists, each for its own good reason. While this idea should not stop us from fighting for holy truths we hold dear, it should hold us back from falling into the net of pettiness, belittling others, and holding grudges. May we always be full of vigor of the spirit, calmness, and trust in a G-d Who loves truth, Who will never abandon those who love Him. I will be so happy if every time something like this comes up, you work to calm emotions and raise the regard for the honor of all around you, as is proper for people with integrity and wisdom, who know their clear goals.

We daven for a complete and speedy refuah for:

Itamar Chaim ben Tzipora

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

**Arye Yitzchak ben Geula Miriam
 Neta bat Malka**

**Tal Shaul ben Yaffa
 Meira bat Esther**

Together with all cholei Yisrael



Eretz Hemdah
 Deans: Harav Yosef Carmel, Harav Moshe Ehrenreich
 2 Bruriya St. corner of Rav Chiya St.
 POB 8178 Jerusalem 91080
 Tel: 972-2-5371485 Fax: 972-2-5379626
 amutah number 380120780

**American Friends
 of Eretz Hemdah Institutions**
 c/o Olympian, 8 South Michigan Ave.,
 Ste. 605, Chicago, IL 60603, USA
 Our Taxpayer ID #: 36-4265359

www.erezhemdah.org info@erezhemdah.org

Donations are tax deductible according to section 46 of the Israeli tax code

Rent of an Apartment Without a Protected Room

(based on ruling 84036 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The defendant (=def) rented the plaintiff's (=pl) apartment for 3,000 NIS a month for a year in a town in Northern Israel; def gave pl twelve post-dated checks. Soon after the rental began, war broke out. The apartment does not have a *mamad* (protected room); the best alternative is to go to pl's nearby apartment. The town sustained occasional artillery damage, but the army did not move the residents out. For months, def stayed in the apartment, but suffered from trauma, which, she claims, caused her to lose her job; she moved back to her parents' home in the spring. Def tried to bring renters to take her place, but those interested were not willing to commit until the end of the year and pl, who spent long periods in the army, was unwilling to deal with short-term rentals. (The contract allowed pl to reject subletters.)

Ruling: During the period that def lived in the apartment, she must pay in full. Even in cases (see below) that the renter can "reduce the rent" due to extenuating circumstances, that is when he is unable to use that which was rented, but here def used the apartment, even if with less than complete satisfaction.

Halacha discusses cases of agreements that became impractical because of outside influences. The Shulchan Aruch (Choshen Mishpat 334:1) rules that if a worker starts working but cannot complete the work because of an external extenuating circumstance (*oness*), the employer can stop paying him. The Rama continues by bringing a *machloket* about if when a renter dies during a rental period, his estate can discontinue payment; the final ruling is that if the renter already paid, he cannot demand that it be returned.

The Shulchan Aruch (CM 321:1) says that if one rented a field and a *makat medina* (a broadly experienced *oness*, e.g., the drying up of a river) prevented its ability to be used, the renter can take off from that which is due. The Rama (CM 312:17) adds that in the case of a *makat medina*, even if payment was made, it can be retrieved.

It is difficult to determine whether this case is considered a *makat medina*. On the one hand, the town was not evacuated, as there were few attacks, and people were willing to rent the apartment despite the lack of a *mamad*. On the other hand, part of the reason the town was not evacuated is because most people have *mamads*, and some civilians did self-evacuate. Therefore, we treat this question as unsolved. There is also a *machloket Acharonim* whether the ruling of *oness* on rental is for any type of *oness* or only for the renter's death (see Pitchei Choshen, Sechirut 6:(24)).

Standard *halacha* (see Rama, CM 312:7) is that the landlord can only refuse changing renters if the new one is problematic. However, here this is trumped by the clause in the contract that gives the landlord more discretion. His concern about his ability to handle switches is not random.

We accept the approach that giving post-dated checks gives the landlord the upper hand in case of disputes. Therefore, pl is considered *muchzak* for questions of *safeik*.

Beit din imposed the following compromise. Def has to pay in full until the time of the *beit din* hearing (April 2024). From that time on, responsibility to rent out the apartment reverted to pl, and def was exempt from then on.

Comments or questions regarding articles can be sent to:

info@erezhemdah.org

Eretz Hemdah is the premier institution for training young rabbis to take the Israeli Rabbinates' rigorous Yadin Yadin examinations. **Eretz Hemdah**, with its distinctive blend of Religious Zionist philosophy and scholarship combined with community service, ensures that its graduates emerge with the finest training, the noblest motivations resulting in an exceptionally strong connection to Jewish communities worldwide.