



Harav Shaul Israeli zt"l  
Founder and President

### The Persian Empire, the Golden Calf, and the Divine Presence

Harav Yosef Carmel

A *mishna* (Megilla 2:3) cites a *machloket* on what we take for granted – R. Meir's opinion that we read the whole Megillat Esther. R. Yehuda requires to read from the introduction of Mordechai. Rabbi Yossi – from Haman's ascent to influence. R. Shimon – from Achashveirosh's sleepless night (Megillah 19a). The *gemara* explains that all focus on what the *pasuk* (Esther 9:29) describing writing *tokef* (strength) means. R. Meir, who requires the entire Megilla, relates to the *tokef* of Achashveirosh. The others advocate reading the *tokef* of Mordechai, of Haman, or of the miracle, respectively.

Let us understand the background. The Megilla opens with an account of Achashveirosh, who ruled 127 provinces, from Hodu to Kush." Hodu is in Asia and Kush in Africa, and they mark the boundaries of the biblical world. Implicitly, he claims the exclusive title of the king of kings. There is no room for Hashem in his perception.

Such an attitude in the world causes Hashem to react with *hester panim* (hiding the Divine Presence (*Shechina*)). It is therefore unsurprising that His Name does not appear explicitly in the Megilla, as Hashem is concealed behind the recurring term "the king."

The *Shechina* went with *Am Yisrael* into exile from *Eretz Yisrael* (Megilla 29a). At the time of the Persian Empire's broad rule, there seemed to be no realistic prospect that Israel would return to the *Beit Hamikdash*, the home of the *Shechina*. Yirmiyahu had foretold that the nation would return after 70 years, and the Mikdash would be rebuilt. According to *Chazal*, once those years passed, Achashveirosh's feast, at which the vessels of the *Mikdash* were deliberately used, constituted giving up hope for redemption and the ideal of "if they merit, the *Shechina* would be with and above them."

*Chazal* taught that a man and woman who build a home in Israel merit that the *Shechina* will dwell among them (Sotah 17a), reminiscent of the command to build the *Mishkan* "so I shall dwell among them" (Shemot 25:8). The command concludes with a double declaration: "I shall dwell in the midst of *Bnei Yisrael* ... to dwell among them, I am Hashem" (Shemot 29:45-46). The indwelling of the *Shechina* is a result of families that build their homes in sanctity and purity, and this finds public expression in the *Mishkan/Mikdash*.

Tragically, between the command to build the *Mishkan* and its construction, the sin of the Golden Calf occurred. The Calf symbolizes life centered on materialism and degradation (see Shemot 32:18). Life in Achashveirosh's palace represents a prolonged Golden Calf lifestyle. The beginning of the Megilla presents a world founded on promiscuity, drunken feasting, and a royal command that a wife appear publicly in a manner intended to shock and humiliate. Anyone who aspires to live in a world shaped by "How good are your tents, Ya'akov ...!" (Bamidbar 24:5) cannot accept such conduct. The degrading treatment of women in Iran (i.e., ancient Persia) shows that, fundamentally, things have not changed over the course of millennia.

If the Megilla is a story of redemption and of renewed possibility to experience the *Shechina*, then R. Yehuda, R. Yossi, and R. Shimon do not require to read the first chapter!

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



by Rav Daniel Mann

## Gluten-Free Diet and Shabbat Considerations

**Question:** Some family members (including me) are gluten-intolerant, so we have two types of *challot* and cakes, with and without grain flour. Is the gluten-free type valid for: 1. Completing the *Kiddush* process; 2. *Lechem mishneh*; 3. Continuing *seuda shlishit* that began before sunset?

**Answer:** 1. **Kiddush** - The *gemara* (Pesachim 101a) teaches that we must make *Kiddush* in a place where a “meal” will follow. That discussion also refers to “tasting” after *Kiddush*, which implies less than a classic meal. Although some authorities require the tasting to include bread, the Shulchan Aruch (Orach Chayim 273:5) rules that wine satisfies this requirement. The Magen Avraham (273:11) reasons that if wine qualifies, then foods made from one of the “five grains,” which are more meal-like, certainly suffice (OC 273:11). The Pri Megadim (ad loc.) extends this to dates, but most *poskim* disagree (see Yabia Omer VII, OC 35).

Based on the above, one who cannot eat from the “five grains” (many gluten-sensitive people can eat specially cultivated oats) should drink a *revi'it* of wine or grape juice (Mishna Berura 273:22). When this is not feasible, two minority leniencies are sometimes cited: 1. In cases of need, any food can constitute a “*Kiddush* meal” (Chayei Adam II:6:22); 2. It suffices that one person involved in the *Kiddush* eat the requisite food/amount (see B'Tzel HaChochma IV:2). If relying on such positions, it is best to eat something filling/meal-like, which satisfies at least the “spirit of the law.”

2. **Lechem Mishneh** – Ordinarily, Shabbat meals require two loaves of bread made from halachic grain in a manner that requires *Birkat Hamazon* (Shulchan Aruch Harav, OC 274:5). However, a gluten-sensitive person should view himself as fulfilling the *mitzva* of *seuda* in the best way he can.

It is appropriate (not halachically required) for him to use two gluten-free loaves of “bread.” Treating non-five-grain foods as bread has limited halachic precedent. An *eiruv chatzeirot* requires “bread,” yet that bread may be made from rice or lentils (Shulchan Aruch, OC 366:8). Moreover, the requirement of two loaves is derived from the *manna*, which was not grain-based, but was still the bread of Israel. Similarly, rice or potato bread can arguably be considered bread for gluten-free dieters (Mishna Berura ad loc. 47). It is also positive to eat or drink something that will have a *beracha acharona* of *me'ein shalosh*, which enables him to parallel *Birkat HaMazon* and mention Shabbat.

3. **Seuda shlishit** – The *gemara* (Pesachim 105a) says that one who is eating as Shabbat enters must interrupt his eating to recite *Kiddush*. It suggests that similarly one who is eating as Shabbat ends would have to interrupt the meal for *Havdala*. However, the *gemara* concludes that *Havdala* does not interrupt eating, but only drinking. This *gemara* is the basis for the *halacha* that one who starts *seuda shlishit* before *shki'a* may continue (Shulchan Aruch, OC 299:1).

Can one continue if he is in the middle of a less than complete Shabbat meal (including bread and *Birkat Hamazon*)? The Aruch Hashulchan (OC 299:5) says he may not continue. The Shevet Halevi (VIII, 36), keying on the fact that there are legitimate opinions that one does not need to eat bread at *seuda shlishit* (see Shulchan Aruch, OC 291:5), posits that whatever one uses for *seuda shlishit* will be important enough to allow you to continue.

Therefore, you definitely have whom to rely upon. Actually, non-gluten eaters are better off than others who have *seuda shlishit* without bread. The Aruch Hashulchan (ibid.), in explaining his stringent opinion, argues that the fact that one did not have bread shows he did not give the meal requisite weight. While one can argue that in contemporary society, where many people rarely eat bread, other serious eating would also count. Regarding health motivated non-gluten dieters, we would expect a near consensus that their regular *seuda shlishit* would allow them to continue after dark, as the lack of bread is not a sign of a less level meal.

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## **Moreshet Shaul**

(from the works of Hagaon Harav Shaul Yisraeli zt"l)

### **Spiritual Self-Improvement – part II**

Based on Siach Shaul, Pirkei Machshava V'Hadracha p. 405-7 (from the 1930s)

[We focused last time on the path to elevation that embraces deep appreciation of Hashem, which enables fast and strong elevation, for the few who are capable of embracing it.]

The second path is from below. This approach also strives for the highest levels, up to the Heavens; however, it progresses slowly, step by step, level by level. One must deal with matters of little significance to clear the path. The various attributes are the enemy, and they prevent one from using outright war [against the challenges]. Every action needs to be checked for the proper balance; every thought that arises needs analysis. Throughout the never-ending war, preparations and the critical outlook pave the way for progress and ascension.

This way seems easier and shorter, but it is really very long. Every “piece of territory that is captured” by the restraining force of thought requires great toil, with effort that expends one’s strength and puts one in an atmosphere of sadness. In the meantime, he progresses along the path with small steps, in such a way that if he sleeps in the middle, years’ worth of toil can be wasted. This is because the effort does not change the nature of one’s spirit and invert it into [a more refined nature]. Rather, one tries to exert his plan for improvement “against the will” of his sentiments and have himself do things that are against what he would like. So, his spirit is imprisoned and looks for the right time to escape. Therefore, the work is dangerous and it requires vigilance.

Furthermore, because the final goal is not absorbed well into the spirit, it cannot serve as a catalyst for the effort to improve, and there is a lacking of a dynamic force to compel the spirit to act against its own will. For this purpose, the idea of struggle of inner forces was conceived. For example, one puts up the force of arrogance to counter sadness, and gives off the feeling that not everyone is involved in such things, as they are involved in fleeting matters. Even if he succeeds in taming the sadness, he then has to deal with a surge in arrogance which uproots the importance of other things and justifies all sorts of improper actions. Even the vanquished force escapes and waits in a “reinforced dark corner.” Even an attribute [as bad] as hatred and lack of love for one’s counterpart claims justification [with the claim that it is good] to hate wicked people. This concept, which is relative, can expand to the point that it includes almost anyone. We therefore find that the type of person who is struggling to improve his characteristics has a sort of moral destructiveness that you do not find by others. Those who have moral agendas are likely to be very positive about people like themselves and experience hidden enmity for people who are not in their clique. The attribute that is well entrenched shows itself when it acts vigorously with the feeling of “permission [to do what it wants].”

For this reason, this approach was unknown among those who are learned. One who is dedicated to daily Torah study in depth and breadth could forget his existence for hours at end. When he would go out into the world and look in a weak manner, he would not find anything that brought him satisfaction. The constant “drinking from the sea of Talmud” creates an insatiable thirst which cannot find an answer from anything that is outside the *gemara*. He would not be able to sin, as his path was paved on a path of sanctity from top to bottom.

When the hearts of the people of the generation diminished, and the Torah study became more superficial and did not take over the spirit, as the person’s essence remained elsewhere, the study itself serves a different purpose. It could fuel lowly desires that are the lot of simple people. There were even many rabbis who were lowly in their behavior, and therefore it became critical to study *mussar* (ethics).

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

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*Together with all cholei Yisrael*

# P'ninat Mishpat

## Unsuccessful Transfer of Yeshiva – part V

(based on appeal ruling 82138 of the Eretz Hemdah-Gazit Rabbinical Courts)

**Case:** The defendant (=def), a non-profit, had run a yeshiva for years and did not want to continue due to financial and educational difficulties. They negotiated with the plaintiff (=pl), another educational non-profit, to have them take over the yeshiva at its location and pay rent to def. A written agreement was signed in June 2022. After starting to enter the educational sphere and preparing, physically and educationally, pl informed the students' parents soon before the 5783 academic year that pl would close the yeshiva. Pl sued for recovering the expenses they had invested in the yeshiva, which they claimed to have closed because of def's breach of contract. [We presented this case some time ago. In brief, the ruling exempted def from payment because pl had decided to close the yeshiva because of educational reasons, not the existing breach of contract. We now will deal with two points from the appeal.]

**Appeal and Appeal Ruling: Partial Breach of Contract:** Appeal claim: *Beit din* ruled that def breached the contract by making new obligations in regard to fees for renting the building, yet *beit din* did not obligate def to pay, deciding that they did not breach the contract. That is a contradiction!

Appeal ruling: Had pl decided to continue with the transfer and def had continued to make demands not set out from the outset, pl would have had a good claim, and *beit din* would have to decide between enforcing the original agreement and nulling the agreement. However, pl decided to close before the rental period even began, and it is clear from many indications (*ed. note – beyond our space limitations*) that it was not out of fear of the rental conditions but for fundamental reasons unrelated to any breach of agreement on def's side. In a relationship between parties to a broad agreement, the existence of an isolated or an attempted breach or breach of contract is not grounds to undo the whole agreement. In this case, a demand of money not yet due, when there was still time to work out the issue, is not a fatal breach of contract, requiring penalizing the potential breacher. Therefore, *beit din* was correct.

**Granting a Problematic Witness Outsized Prominence:** Appeal claim: In an important matter, *beit din* relied exclusively on the testimony of pl's fired director, even though he was only one witness and had enmity toward pl. Appeal ruling: The original *beit din* ruled like the Shulchan Aruch (Choshen Mishpat 33:1) that an "enemy" of the litigant is valid to testify. *Beit din* also analyzed the testimony's content and found it credible. The Rambam (Sanhedrin 24:1) empowers a *dayan* to rule based on what he becomes convinced of even if it does conform to the rules of witnesses. Admittedly, he discouraged using this practically because it is rare that a *beit din* can presume that ability. While its limitation is accepted, the Rama (Shut 33), the Tumim (90:14), and the Pitchei Teshuva (CM 15:9) allow for limited use of the concept. Consider also that *beit din* did not rely on the testimony alone. *Beit din* has the right to decide how much weight to give the witness as a person and based on content. This is especially so in a case like this, where it was done to deflect an attempt to extract money from a defendant.

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