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# HEMDAT YAMIM

חֵמְדַּת יָמִימִים

## PARASHAT HASHAVUAH

Bamidbar 24 Iyar 5771

### The Day of Unification (Not Only of Yerushalayim)

Harav Yosef Carmel

The day of celebrating the unification of Yerushalayim and its return to the status of a "city that was united together" (Tehillim 122:2) requires a look at the unification of the Nation of Israel and the reaching of consensus on certain matters. Let us do so with a look at what preceded the original declaration of Yerushalayim as our eternal capital.

As David was preparing to turn Yerushalayim into the center of a nation that had thrown off the yoke of the Philistines, the following event transpired. The tribes of Israel came to Chevron (David's capital for seven years) and said: "We are your bones and your flesh. Both yesterday and the previous day, when Shaul was king, you took us out to battle, and Hashem said: 'You will shepherd My nation, Israel'" (Shmuel II, 5:1-2). What messages were behind these declarations, and what can we learn from them for future generations?

The first idea in these *p'sukim* borrows a phrase from what Adam said about Chava, that she came from his bones and flesh. This is a reference, then, to the people's acceptance of David as one whom Jews are allowed to marry. After all, there was a major debate whether female Moavite converts and their descendants, including David, who came from Ruth, could marry into the Jewish community (see Devarim 23:4). The matter was only resolved when Amasa ben Yeter related a tradition from Shmuel's court that the prohibition applied only to male converts (Yevamot 77a). The tribes' statement confirmed their acceptance of this ruling.

The declaration about David's former role was a confirmation that they did not view David to have been rebellious against the former king, Shaul. David was adored by the people, including the women who composed the song about how his conquests exceeded Shaul's, a song that was known even by the servants of King Achish of the Philistines (see Shmuel II, 21:12). The consensus of David's acceptance by the people joined up with the halachic consensus about his acceptability as part and parcel of society.

The third declaration was that David was chosen by Hashem. This could be based on the fact that Shmuel anointed him. Even though this was originally done clandestinely, to not arouse Shaul's vengeance, it is possible that subsequently it became public knowledge. It is also possible that the Divine Providence that seemed to shine positively on David's activities convinced the people that Hashem was behind him (see Ramban to Devarim 17:15).

In our generation, the great miracles that surrounded the great victory that prompted Motta Gur's famous call, "The Temple Mount is in our hands," came about after the political parties in Israel united to form a national unity government and Jews around the world rallied behind us. Our continued success in the struggle to unite the city in all aspects depends on the unity of the people with each other, both religiously and socially. Let us act to bring success in these matters.

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on the occasion of his yahrzeit, 24 Iyar, and members of his family who perished in the shoah Al Kiddush Hashem.

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by Rav Daniel Mann

**Question:** I have enough money to buy an apartment in Israel but I do not plan to live there in the near future. I could also use the money to help support people or programs in Israel. Which is the preferred way to fulfill *yishuv Eretz Yisrael*?

**Answer:** According to almost all opinions, there is a *mitzva* in our times to live in Israel (*yeshivat Eretz Yisrael*), with significant discussion about whether it is from the Torah (Ramban, Additions to Sefer Hamitzvot, Aseh 4) or rabbinic (see discussion in Rav Yisraeli's *Eretz Hemdah* I, 1:4). In all likelihood, one fulfills this *mitzva* by being a permanent resident of Israel, not a tourist or even a landowner who visits often (Shut Hamaharit II, 28). Some even say that the living must be a normal, healthy inhabitation (see different applications in Shut Harashbash 2, *Eretz Hemdah* op. cit. and Amud Hayemini 22). In any case, none of the options you mentioned would be a full-fledged *mitzva* of *yeshivat Eretz Yisrael*.

There is a second part of the *mitzva*, which the Ramban (op. cit.) calls *kibush* (conquest), i.e., to bring *Eretz Yisrael* under Jewish control. While doing so by military conquest in our times was hotly debated due to the Three Oaths (see Ketubot 111a and many contemporary sources), it is all but unanimous that it is a *mitzva* to obtain control by buying land. This is the basis for the famous leniency for *yishuv Eretz Yisrael* of having a non-Jew draw up on Shabbat a contract for land in Israel (Gittin 8b). However, this applies specifically when a Jew buys land in *Eretz Yisrael* from a non-Jew (Rashi, ad loc.; Rambam, Shabbat 4:11; Shulchan Aruch, Orach Chayim 306:11). Similar logic may apply to buying land or building a home in areas where Jewish settlement is not a given. However, buying a home in Rechavia is unlikely to contain that element of the *mitzva*. Acquiring a home from a Jew in order to enable aliya is a *hechsher* (facilitation of a) *mitzva* of *yeshivat Eretz Yisrael*, as are steps to strengthen the ability to remain in the Land (Shut Harashbash 1).

The matter of supporting the poor in Israel is not brought in the *poskim* as a *mitzva* of *yishuv Eretz Yisrael*. Rather, the Sifrei derives from the *pasuk* dealing within the *tzedaka* priorities (relatives, neighbors, etc.) that the poor in *Eretz Yisrael* have precedence over the poor elsewhere. The Shulchan Aruch (Yoreh Deah 251:3) *paskens* this precedence, while the Rambam does not mention it, for some reason. Thus, if one wants to give money to the Israeli poor, he may use *ma'aser* money, which he should not do for a personal *mitzva* like buying an *etrog* or, for that matter, a home in Israel. Helping someone else buy a home in Israel so that they could afford to make aliya is helping them with their *mitzva* and, according to the accepted opinions, is a legitimate use of *ma'aser* money (see *Living the Halachic Process*, vol. I, F-4).

Just because something is not a full-fledged *mitzva* does not mean that it does not have value. It is certainly laudable to want to connect oneself to *Eretz Yisrael* by owning a home here. It is something he does for his Jewish self and from his own funds. Supporting different projects here may be at least a partial fulfillment of *yishuv Eretz Yisrael* and can use *tzedaka* funds.

Practically, concerning your dilemma, it makes a lot of sense to combine the elements as follows. One can buy a home and hope to some day move into it (making aliya easier) or have their children move into it. It is proper to rent it out in the meantime (rental subsidies for the needy are a wonderful form of *tzedaka*). In this way, not only would Israeli society gain from the infusion of funds, but you would avoid the phenomenon of absentee homeowners (especially in Yerushalayim; see link- [www.lightson.jerusalem.muni.il](http://www.lightson.jerusalem.muni.il)). These fine Jews unwittingly raise housing costs and drive Jews out of town, thereby hurting the day-to-day economy, exacerbating the national housing shortage, and harming demographics (including for municipal elections).

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## Marriage Between Families

(condensed from Ein Ayah, Berachot 6:63)

**Gemara:** When Rabbi Yitzchak came, he said: There was one city in *Eretz Yisrael* called Gufaniyot, in which eighty pairs of brothers who were *kohanim* were married to eighty pairs of sisters who were the daughters of *kohanim*. The Rabbis checked from Sura to Naharda'a (two important cities in Bavel) and found only the daughters of Rav Chisda who were married to Rami and Mar Ukva, the sons of Chama, and while those sisters were the daughters of a *kohen*, the brothers were not.

**Ein Ayah:** The situation of a family when it is in a state of tranquility is an accurate sign of the nation's completeness in ethics and good personal characteristics. Therefore, it is a wonderful to see the completeness of our forefathers' holy attributes through the following observation.

It is normal that if a woman is not happy in her husband's house, her sister will not want to marry her sister's brother-in-law. When parents see their daughter happy, they and their other daughter will be interested in pursuing another match between the families. This is a high level to reach, and it is especially noteworthy that the families involved were *kohanim*, as they naturally have strong tempers (see Kiddushin 70b, based on Hoshea 4:4). Despite that, eighty couples of *kohanim* lived in such bliss that their siblings wanted to marry from the same family.

The foundation of familial peace within the nation is a life of modesty. Therefore, the greater the fear of Hashem and holy purity that exist within the nation, the greater the bliss that will exist within families. It is thus appropriate that the name of the city was Gufaniot, which reminds us of the Rabbis statements that grapes can only accept grafting from other grapes and that "the grapes of the vine and the grapes of the vine" (references to the marriage of children from two good families) is a proper matter (Pesachim 49a).

The interconnectedness of families is also a good sign of the physical and spiritual health with which Hashem blessed His nation when they dwell in completeness in the Land. This is because we know scientifically that when there is health within a family, children of two parents from the same family (if they are not so close that there is incest) are likely to be particularly healthy. On the other hand, when the family has illnesses within it, then the chances of problems with the children are much greater. When *kohanim* are careful to marry specifically from a family of *kohanim*, there is usually marriage within an extended family. We see that in the cases in question, the children turned out nicely, or else they would not have continued the practice so often. This shows that there was a completeness of the body and the spirit, which comes from following the Torah, which is a tree of life for those who cling to it.

This ideal personal and family setup is possible only when people are settled in the special Land that Hashem picked out for His nation according to its spiritual makeup. In the Diaspora, the nation cannot rise to such an ideal state. That is why this phenomenon was not found within the communities of Bavel. In the one case where brothers married sisters, only the sisters were from a *kohen* family. As mentioned, *kohanim* by nature have volatile personalities, and therefore only with excellent upbringing can they live harmoniously as couples. The attributes of *kohanim* are certainly more felt in the males, as they are the ones with the special status with all of its halachic and functional uniqueness. Therefore, those successful marriages involved only female *kohanot* and not male *kohanim*. Only in *Eretz Yisrael* does the sanctity allow for charm, peace, and good fortune, allowing for such tranquil families for the nation as a whole.

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## Place of Adjudication

(condensed from Shurat Hadin, vol. VII, pp. 461-462)

**Case:** The litigants are a Hassidic group, based in Beit Shemesh (*def*), and a rabbi who works for the Israeli Rabbinate (*pl*). It is a matter of dispute who is the plaintiff and who is the defendant. This is significant in this case, where the immediate point of contention is the venue of adjudication and the rule is that the defendant has the main prerogative in choosing the *beit din* to hear the matter. *Pl* originally sued *def* in secular court, and *def* countered through the Israeli Rabbinate's regional courts in Yerushalayim. *Pl*, claiming to be the defendant, wants the matter adjudicated at the *Badatz* (Rabbinical Court) of the Eida Charedit of Yerushalayim, which represents part of the city's Ultra-Orthodox, non-Zionist populace.

**Ruling:** The question of who is the real defendant, which affects the decision on rights of adjudication, depends on some of the particulars of the dispute and must be heard before the preliminary decision. There is a "catch 22" here. *Pl* does not want to sign an arbitration agreement at the Rabbanut because he does not want to adjudicate there. *Beit din* does not hear cases before an arbitration agreement is signed. It would be an affront to it to hear the arguments, decide that *pl* must adjudicate before them, and then not be able to enforce it because *pl* rejects their jurisdiction. In this case, *pl* must sign an arbitration agreement or be declared one who refuses to come to *beit din*.

There are other reasons for the Rabbanut's regional court in Yerushalayim to have jurisdiction (in addition to the fact that one of the sides has a complicated relationship with the Badatz). The Rabbanut's courts are a continuation of the concept of the court of the *mara d'atra* (local rabbinical leader). The *dayanim* are chosen by representatives of the public, and the great majority of those choosing are G-d-fearing Jews. The various private courts, including the Badatz with all of its Torah scholarship, represent only small segments of society. It is inconceivable that they and not the governmental courts be able to compel sides to appear before it. It is true that when the Rabbanut courts see that the defendant is a clear member of the Badatz constituency, it respects his desire to adjudicate there, but that does not apply here for a few reasons. The Badatz of the Eida Charedit is the court of a group that was recognized as separate from the rest of the community from the time of the British Mandate, but only in Yerushalayim. In the rest of the country there is only one official rav [each, for Ashkenziam and Sephardim] and one Religious Council. Since *def* is from Beit Shemesh, which belongs to the Jerusalem Region at the Rabbanut, whereas the Eida Charedit does not function in Beit Shemesh, *def* is not bound by them. Furthermore, since *pl* serves as a rabbi within the Rabbanut system, he cannot say that he accepts the Badatz's, not the Rabbanut's, jurisdiction.

Therefore, the case will be heard in the Rabbanut's court in Yerushalayim.

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