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PARASHAT HASHAVUAH

B'ha'alotcha, Sivan 19, 5772

Cloud and Fire – *Rachamim* and *Din*

Harav Yosef Carmel

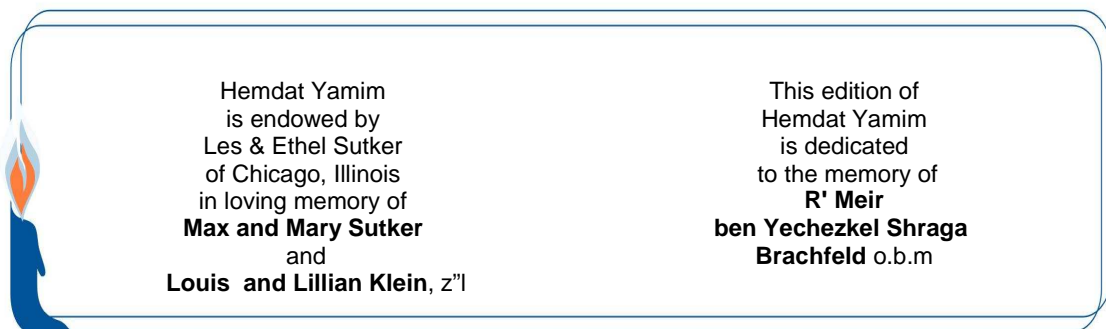
Our *parasha* contains a description of Bnei Yisrael's encampment in the desert, with the *Mishkan* (Tabernacle) in its center (Bamidbar 9:15-23). The Torah describes how the *Mishkan* was covered with a special cloud during the day and special fire at night. The presence of the cloud was a sign that Bnei Yisrael were to stay where they were, and its removal from above the *Mishkan* was a sign that they were to move on to a new encampment. It moved before the moving camp, settling at their next place of encampment. It is clear from the presentation that the cloud and the fire served the role of indicating to the people that the Divine Presence was dwelling at that place. This is also evident from the description of the initial erecting of the *Mishkan* (see Shemot 40:33-35): "The cloud covered the Tent of Meeting, and the glory of Hashem filled the *Mishkan*. And Moshe could not enter the Tent of Meeting, for the cloud had dwelled upon it, and the glory of Hashem filled the *Mishkan*."

In the recounting of the inauguration of the *Mishkan* (in *Parashat Shemini*), the Torah also describes the preparations for the Divine Presence to descend, which it finally did in the form of a fire that "devoured" the offerings. The people, seeing this as a sign of the arrival of the Divine Presence, bowed down in response (Vayikra 9:24). Another time when fire and a cloud were the sign of the Divine Presence was at the giving of the Torah at *Har Sinai*, as mentioned in *Parashat Yitro* (Shemot 19:18) and, at greater length, in *Parashat Mishpatim* (ibid. 24:15-18).

What is the connection between these external signs and the Divine Presence? Fire reminds us of sanctity and *middat hadin* (the attribute of strict justice). The cloud is always connected with an element of *kavod* – honor in a softer, more pleasant manner, and thus *middat harachamim* (the attribute of mercy).

The scholars of the more mystical truths of Torah explain the matter as follows. On one hand, Hashem is beyond human comprehension, and is distant from us. This is symbolized by *middat hadin*. On the other hand, He is close to us in that "there is no place that is without Him." This second element is symbolized by *middat harachamim*. The tension between these two ostensibly contradictory elements serves as the basis for generations of Jewish thought. We can describe two tracks of the expression of Hashem's complex interaction with us. One is: strict justice, distance, fear, prohibition, intellect, and cold calculation. The other one is: mercy and compassion, closeness, love, permissibility, emotion, and warm relations.

May we merit Divine Revelation which combines the best of both elements.



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Deans: Harav Yosef Carmel, Harav Moshe Ehrenreich
2 Bruriya St. corner of Rav Chiya St. POB 8178 Jerusalem 91080
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by Rav Daniel Mann

Question: Sometimes my *tallit katan* (=tk – the garment part, which we usually call *tzitzit*) rips a little around what would be the collar area and I don't know if it is still kosher. If I sew it back up, do I have to undo and retie the *tzitzit*?

Answer: The first question, which we will just touch on, is whether we need wide shoulder pieces to connect the two sides of the *tzitzit*. The earliest stringent source on the matter is the Maharil, quoted by the Magen Avraham (introduction to *siman* 16). The simple reading is that if the hole is bigger than either one of the shoulder pieces, the *tk* is considered two separate small garments with two sets of *tzitzit* each and invalid. The Chazon Ish (Orach Chayim 2:9) understands it this way and says that one should try to follow this opinion. The Machatzit Hashekel (on the Magen Avraham, *ibid.*) says that it is enough for the shoulder pieces to be a real part of the garment and not just a thin connector. There are also questions of what counts toward the minimum size of a garment. Do the front and back parts count together? What impact does the hole for the head have? The Mishna Berura (16:4) believes that the hole for the head does not count, and seems to assume that we should have the requisite size in both the front and back. If the hole is relatively small in comparison to the shoulder straps, it is easier to contemplate counting that section or at least combining the front and the back sections. In any case, we will discuss the worst case scenario: a case where the remaining width of the shoulder piece would not be enough to create a kosher *tk* garment.

The question that arises when fixing a *tk* is called *ta'aseh v'lo min he'asuy* (=tvlmh). This means that something, like *tzitzit*, which the Torah says to make, has to be turned into a halachic entity by a direct action, not created by an indirectly created situation. A classic application is when one attaches three sets of *tzitzit* to a three-cornered garment (which is not obligated in *tzitzit*) and only afterward creates a fourth corner. There, we disqualify the three existing *tzitzit* sets for having been turned into ostensibly kosher *tzitzit* indirectly (Shulchan Aruch, Orach Chayim 10:5).

Let us consider a *tallit* that was severed into two, with each side maintaining some *tzitzit* and enough fabric to be a kosher *tallit*. The Shulchan Aruch (OC 15:3) says that *tvlmh* is not a problem here, as the remaining *tzitzit* were made properly. The Taz (15:3) says that if one reattaches the garment, only the *tzitzit* of one side are considered valid, whereas the part that is considered reattached needs to have its *tzitzit* removed and returned. According to the Magen Avraham (15: 4), when it is reconnected nothing has to be redone, for the situation is just a return to the garment as it used to be with properly attached *tzitzit*. However, *Acharonim* infer, if when severed in two, the *tk* turned into two pieces that each do not constitute a halachic *tk* garment (which is usually the case according to most opinions), all the *tzitzit* have to be redone (see Mishna Berura 15:17).

Our case is more lenient for two reasons. Firstly, only one side is affected, and there is a *machloket* among *Acharonim* in a case where the garment is not severed but remains connected on one side instead of two (see opinions in Halacha P'suka 15:31). There is also a *machloket* regarding a case where the garment was not totally severed but most of it was ripped (the Lechem Mishneh and Mishneh Lamelech require a small minority of connection, whereas the Artzot Hachayim (15, AY 3) who cites them, says we follow the minority. More importantly, a more accepted leniency applies here. The Chazon Ish (3:19) says that if the shoulder pieces are clearly intact but are ripped, the ripped part is not considered to be nonexistent, and the *tk* can be used as is. Certainly, then, if it is sewed up (which is a good idea if for no other reason than to prevent further ripping) there is no problem of *tvlmh*.

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Ein Ayah

(from the writings of Harav Avraham Yitzchak Hakohen Kook, z.t.l.)

B'ha'alotcha

The Hands of the Kohen and the Realization of the Potential of a Dream

(condensed from Ein Ayah, Berachot 9:53)

Gemara: One who saw a dream and does not know what he saw should get up before the *kohanim* when they lift up their hands [to bless] and say: "Master of the Universe, I am Yours, and my dreams are Yours. I dreamed a dream, and I do not know what it is ... If [the dreams] are good, strengthen them ... and if [the dreams] need healing, heal them ..."

Ein Ayah: The idea of a blessing taking effect specifically with the help of the *kohanim* demonstrates that all matters of one's needs and internal demands are connected to the Divine Providence. The secret of the Divine wisdom constantly "greet" the matter based on the intricacies of the person's spirit, as all are the work of Hashem's hands. Since a person's soul contains powers of imagination and feeling, the powers need to be guided with Divine Providence, wisdom, and great mercy so that the great goal of success and individual and communal *shleimut* (completeness) will emerge through these powers. Therefore, even though dreams are a matter of relative weakness, they, like everything else in the world, are not left to chance, but are connected to Hashem's guidance of a person's life.

Why do blessings take hold with the help of the *kohanim*? A normal person relates better emotionally to something good if he sees that holy people who approach Hashem and call out to Him are answered. For this reason, Hashem implanted in the bloodline of Aharon that they would have members with the quality that blessing would emerge through them.

This also creates a connection between a person's power of imagination, which is designed to enable him to maximize his spiritual potential, and the blessing of the *kohanim*. In order for the *kohanim* to carry out this lofty task, they must raise their hands toward the people to demonstrate that a connection has to be made between the two groups. In that way, the *kohanim* can teach the nation the way of life and use the "work of their hands" to make the people wiser and better. About the *kohanim* it is said: "The lips of the *kohen* will preserve knowledge, and they will request Torah from his mouth" (Malachi 2:7). It also says about them: "In peace and in the straight path he walked with Me, and many did he turn away from sin" (ibid.). So too, the internal power that a person has in regard to goodness and justice has to come to fruition through what he does with the work of his hands.

All sorts of things go on within a person's inner spirit. Ideas and feelings cause images to appear to him as he sleeps at night. These images impact upon him positively to fill his heart with fear of Hashem and to help him on the path toward eternal life. The nucleus of the internal stimuli that come to a person and the things that happen to him are always for the good. Even seemingly arbitrary events are woven into a personal tapestry of Divine Providence. Thus, even a forgotten dream is an internal motivating factor toward an ultimate good because it moves a person's heart in the direction of good. While being troubled by one's dreams could be a sign of internal weakness, if a person's uses it as a springboard to add goodness to his life, it turns out that that it is not a sign of weakness but a proper natural inclination. Indeed, Hashem created man and guides him in a manner that behooves him to use all his natural inclinations for good. These inclinations include the love of family and homeland, compassion, and a sense of justice. All of these feelings come from within, and the "softness" of one's spirit allows him to dig deep into his heart and use the feelings to move him from a certain level of characteristics to another.

The special quality of *kohanim* is used positively when they use their hands to improve the spiritual and ethical state of the people. Similarly, the special quality of a dream, whose content is unknown to he who dreamed it, will reach its potential when he uses it as impetus to further his resolve to follow the way of Hashem.

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Misplaced Window? – part II

(condensed from Hemdat Mishpat, rulings of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The plaintiff (=pl) and the defendants (=def) are neighbors on the same floor of an apartment building. There was an area of air space in between their apartments that was used by both of them to extend their apartments. Def put a window in their extension's wall, from which one can see into pl's kitchen. They claim that pl gave them permission to do so, but pl denies it and began complaining during the window's construction. Def conjecture that pl gave permission when she was not fully aware of its ramifications. They also point out that pl's kitchen can also be seen from a window that existed from the original construction of the building. Def made the window non-transparent and is willing to make the window unable to be opened. However, pl says that having the window so close to her kitchen makes her uneasy, and that once a window exists, it is hard to stop it from being opened.

Ruling: [We saw last time that the situation comes under the category of *hezek re'iyah* (damaging levels of invasion of privacy). Now we must look at the question of whether permission was given in a binding manner and/or what remedies need to be done.]

Poskim write at length about whether, to establish *mechilla* (relinquishing of rights) of protection from damages between neighbors, one needs three years of use without protest and the claim of explicit permission or whether a single usage without the owner's protest suffices. We will only discuss particulars that relate to the issue at hand. There is a *machloket* whether *mechilla* works regarding *hezek re'iyah*. The Ramban says that the affront is so severe that *mechilla* does not work because the damaged person can later say: "I thought I could handle it, but it is worse than I imagined." Another reason that the *mechilla* might not work is that it is prohibited to look into another's property. However, the Shulchan Aruch (Choshen Mishpat 154:7) rules that *mechilla* does work for *hezek re'iyah*. On the other hand, the *mechilla* can only work when the *mocheil* is aware of the extent of the damage (Ramban, Bava Batra 59; S'ma 153:3). The Netivot Hamishpat (153:3) adds that he must have experienced the matter several times without responding until *beit din* is convinced that he relinquished rights. Signing on building plans is certainly binding because people do so only after considering the matter carefully.

In our case, def admitted that they do not think that pl understood the significance of the planned window so that even if we accept their version that she did agree, it would be considered a *mechila b'ta'ut* (based on a mistake). However, perhaps if the window is non-transparent, it should not be a problem. The Avkat Rochel (123) says that indeed such a window takes away the problem of *hezek re'iyah*, and we do not have to be concerned that at some time in the future it will break. In general, possible future problems are not considered damage in the present. So too, as long as def make the window unable to be opened, they removed the damage, even if we can understand pl's concern that the arrangement can be reversed.

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