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Founder and President

HEMDAT YAMIM

חמדת ימים

PARASHAT HASHAVUA

Balak, 14 Tamuz 5773

Good Tents

Harav Shaul Yisraeli – based on Siach Shaul, pp. 431-432
(a *derasha*, apparently from 1944)

“How good are your tents, Ya’akov, your dwelling places, Israel!” (Bamidbar 24:5). This impassioned call shows a rush of emotion from one of the most devilish people who ever stood up against Israel – Bilam, the “prophet of the nations.” Even he was startled by the lofty beauty that enveloped the tents of Israel and their dwelling places. Since then, many generations of anti-Semites have been dumb-struck by the beauty of the Jewish home over the generations. They are startled when they meet up with the purity and modesty that surrounds the Jewish family. They see the Jewish girl, the symbol of purity, who is ready to give her life so as not to compromise her purity and her dedication to values. It is just a short time ago that we heard the report of the tremendous heroic tragedy of the 93 Daughters of Israel who decided to die as martyrs rather than be defiled by lowly, filthy hands. [*This refers to a famous account from the Holocaust, which was first publicized in New York in 1943*]. Even this enemy sees the unbreakable connection between the two holy institutions: tents [*apparently referring to shuls and other Jewish holy places*] and dwellings [*apparently referring to simple houses*].

As is common for matters of great value that work in tandem, the two institutions have a symbiotic relationship in such a manner that one has trouble determining which is the main element and which is the minor one. Here too, it is hard to know which created which and which keeps the other one going. We would conclude with the following statement: both of them keep each other going and both of them give life to the other.

Only one who does not make material pleasures the core of his life and knows how to search for the grandeur of simplicity in his daily life will know how to preserve the proper awe for the holiness of the sanctum of Hashem. He knows when his feet tread on a holy location and that he should elevate himself for the special moments of pure prayers of the heart and service of the heart, where both the heart and the flesh rejoice.

On the other hand, holy places where Jews visit at the most precious moments in their lives have an influence and provide strength, belief, reliance, tranquility, and iron strength to bear the burdens. This is our wellspring.

If the tents of Israel are as beautiful as “cedars rooted near water” and “gardens by the riverside” (Bamidbar 24:6), then the river represents holy places like this [it is not known where Rav Yisraeli was speaking]; this is the wellspring of the water of life.

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Ask the Rabbi

by Rav Daniel Mann

A Glance at the Man Who Revolutionized the World of Halacha

A few days ago, the Torah world lost a true *talmid chacham*, Rav Yehoshua Yeshaya Neuwirth (pronounced, Noyvirt), *zt"l*, who died at the age of 85. We have not in the past used this column to eulogize but felt that this case was different – not because of various connections with Rav Neuwirth or even the fact that we have quoted him in this column hundreds of times. The main reason we are writing about Rav Neuwirth and his *sefer*, *Shemirat Shabbat K'hilchata*, is that it has served as the model of a new genre of halachic works, followed by hundreds of *seforim* (including, to a great degree, our series, *Bemareh Habazak*).

We will start with a quick biographical look at Rav Yehoshua Neuwirth, whose life was symbolic of Jewish history of the last century. His father, Rav Aharon Neuwirth, served as rabbi in important communities in pre-war Germany, including Mainz and Berlin, and later in Yaffo. Most of the family survived the Holocaust, hiding in Amsterdam, amidst miracles. After the war, a teenaged Rav Yehoshua decided to move to *Eretz Yisrael* and resume his rabbinic studies. Organizers said that the illegal immigration boat to Palestine had to leave on Shabbat, and he decided that the situation justified the violation of Shabbat due to *pikuach nefesh*. At that time, he promised himself that if he would make it to Israel, he would do something to glorify Shabbat observance.

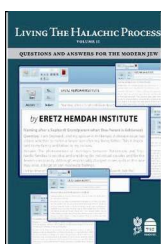
Upon arriving in *Eretz Yisrael*, he enrolled in Yeshivat Kol Torah, founded by German Jewish rabbis, and became close there with his life-long rabbi, Rav Shlomo Zalman Auerbach, *zt"l*. In addition to spreading and applying much of Rav Auerbach's scholarship, as finds expression in *Shemirat Shabbat K'hilchata*, Rav Neuwirth was also his student in regard to modesty and active concern for people, prominently including the poor.

The first edition of *Shemirat Shabbat K'hilchata* came out when Rav Neuwirth was still a sparsely known *talmid chacham* in his thirties. The *sefer* stood out for being user-friendly and making the laws of Shabbat accessible to the broad public. This he did in a few ways. One was to change the focus of the choice of *halachot*. The Rambam and the Shulchan Aruch are strongly based on discussions in the Talmud, written 1500 years ago. Yet, much of the subject matter relates to practices, foods, and utensils that are no longer prevalent. Many of today's pressing issues relate to situations and technologies that developed in recent times, and *Shemirat Shabbat K'hilchata* addresses them very deliberately and thoroughly.

Another innovation, which had roots in the Mishna Berura, is the breakup between the body of the work, in which practical halacha is clearly, succinctly presented, and the footnotes, which contain the sources and halachic analysis. This system, which we too employ in *Bemareh Habazak*, makes the study of the basic halacha accessible to those who cannot follow the intricate world of halacha and helps the more developed scholar with better organization.

The *sefer* also has a detailed index, enabling one to easily find the discussion of the practical application for which he needs a ruling. This is a great improvement, taken from the world outside of Torah scholarship, over previous *seforim*, which had no more than a table of contents, perhaps following an order such as that of the Shulchan Aruch. A final point that opened to a wider target audience the laws of Shabbat, and through his emulators, many other areas of halacha, is the style of writing. Instead of the classical rabbinic language, with a mix of Hebrew and Aramaic, with difficult, run-on sentences, *Shemirat Shabbat K'hilchata* is written in clear modern Hebrew. The index and the editing were both provided by Rav Neuwirth's friend of many years, Rav Asher Wasserteil, who while yeshiva trained, was not a rabbi by profession. We are proud to have a long-term relationship with this unsung partner in the revolution in the presentation of halacha, as Rav Wasserteil, father of Eretz Hemdah's long-time chairman of the board, also edited the first five volumes of *Bemareh Habazak*.

May Rav Neuwirth's life works, and those that he inspired, bring him eternal merit.



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Ein Ayah

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

Honor to Improve Humanity

(condensed from Ein Ayah, Berachot 9:291)

Gemara: Rabbi Yochanan said: One should always try to go out toward the kings of Israel, and not just toward the kings of Israel but even toward the kings of other nations, for he will merit it, he will be able to distinguish between the kings of Israel and the kings of idol worshippers.

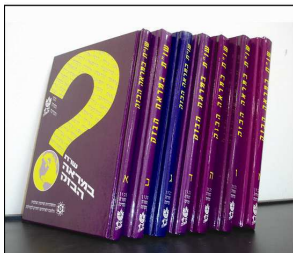
Ein Ayah: A human being is communal and is connected to the greater community of human beings. Whatever has a positive effect on the broad community has a positive impact on the individual as well. This is true even if he does not feel any impact or even any connection with others and that in fact he is well above the level of the general community. The following is the result.

Since honor given to kings is important to mankind, as it causes society to straighten its path and causes ethics and justice to be on firmer ground, everyone should take part in providing this honor to the extent possible. One should take part with others in placing the kingdom in its proper place at the head of the pyramid of human honor.

A member of the Israelite nation, whose entire goal should be for the highest level of truth and peace for the entire universe, should realize that the ideal state of mankind cannot be achieved without there being distinctions between one nation and another. Clearly, every family must have its own possessions and areas of activity and distinction. Only when the family is successful in reaching the attainments of which it is capable will it be able to contribute optimally to the welfare of the community. The same thing is true on a national and worldwide level. Each nation must be successful in its own realms. When this happens for enough nations, all of humanity will be blessed as a result.

A king of a nation represents the potential of the nation and is responsible to see it through fruition. His success can translate into an improved state for the world as a whole and, therefore, this should be important to all Jews, as we have interests in the world's welfare. For a Jew to realize the value of the Israelite Kingdom at the time of *Mashiach*, when there will be cooperation between all of humanity, he will have to appreciate first the contribution that each nation will be able to provide toward that world success. Nations can provide great wisdom and interest, great justice and culture, and ethics and intellectuality within their realm of activity. When each unit in the whole will have elements that are very worthy, imagine how the whole will be! If though, one is not willing to expand his horizons and view the positive in other nations, he will not be able to conceive the full greatness of the world that the Israelite nation is capable of.

Therefore, one should run to see the kings of the nations and be wise enough to sense their honor. This recognition will enable the observer and his offspring to develop a foundation of pure desire of the heart and the mind for an ideal world, led by the Israelite people and dedicated to the glorification of the Name of Hashem.



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An Apartment that Was Barely Livable – part I

(from rulings of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The plaintiff (=p) rents out an apartment. The defendant (=def), p's upstairs neighbor, did major renovations, causing much noise and other inconveniences to p's tenants, especially because one spouse works from the house, while the other often sleeps during the day due to shifts at work. P responded to their complaints by reducing their rent by a quarter during the time of the renovations, for which p is suing def 7,350 shekels as damages. Def responds that his workers kept to the accepted work hours and standards of cleanliness. He gave advanced notice to all the residents, and no one protested. Def claims that p is not authorized to give rental reductions and expect def to pay for them, certainly not at a rate that is disproportional to the nuisance that the average person would suffer. The sides agreed to have a compromise but could not arrive at one themselves.

Ruling: Four questions have to be determined before formulating a compromise: 1) Should p have reduced his tenants rent? 2) Were def's renovations justified? 3) Did p lose his right of compensation by not protesting the plans? 4) Are p's losses direct enough to warrant payment?

1) The Shulchan Aruch (Choshen Mishpat 312:17) says that if a rented property is damaged during the rental period, thus lessening benefit from it, the tenant still has to pay in full because the damage is "his bad luck." In this case, though, the upcoming renovations were a known fact at the time of the renting, and the apartment's value was already reduced. While one might claim that the tenants accepted the inconveniences and cannot demand a refund, it is clear they were unaware of the extent of the disturbance and would not have rented the apartment (at full price) had they known.

The tenants cannot void the rental due to "blemishes," as the situation would be livable for most people and because they continued to live there and did not demand to back out of the rental. However, it is likely that they overpaid considering the situation. While the laws of returning mispricing do not apply to real estate (Shulchan Aruch, CM 227:35), it is still forbidden to overprice (see S'ma 227:51), and therefore p was correct in rectifying that (although one can argue whether it is necessary if the landlord was also unaware of the full impact of the renovations). Furthermore, here the overpricing is not because of a lack of knowledge of prices but based on serious blemishes, and blemishes are grounds for grievances even regarding land (see Shulchan Aruch, CM 232).

2. In apartment buildings, every owner has ownership of his apartment and partial ownership of joint areas. There is also an ongoing relationship, which governs the exercising of one's personal rights when it affects others. It is accepted in our society that owners have the right to do renovations even though it causes hardship to others. Considering that at some times one builds and another suffers, while at other times others build and the previous builder suffers, this arrangement is beneficial for society. While there are standards of behavior that are expected to be kept by the builder, there is no proof that def did not do so.

[We will continue next week.]



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