



HaRav Shaul Israeli zt"l  
Founder and President

# HEMDAT YAMIM

## Parashat HaShavua

Devarim, 9 Av 5775

### The Root of *Sinat Chinam*

Harav Shaul Yisraeli – address from 5718 – courtesy of R. Yisrael Sharir

*Chazal* said: “The second *Beit Hamikdash*, in which people were involved in Torah study, in *mitzvot*, and in *gemilut chasadim* (kindness) – why was it destroyed? Because it contained *sinat chinam* (baseless hatred)” (Yoma 9b).

What is the nature of *sinat chinam* that existed at a time of Torah, *mitzvot*, and even *gemilut chasadim*? It appears that the hatred arose specifically through the Torah they studied and the *mitzvot* they performed. This period, of late *Bayit Sheni*, is one in which *machloket* (dispute) in halacha became a matter of course, starting with the major disputes of Beit Shamai and Beit Hillel. While these were disputes with proper intentions (Avot 5:17), apparently, in addition to the *machloket* on specific halachic issues, there was a *machloket* on how to go about halachic dispute.

“For three years Beit Shamai and Beit Hillel disputed, with these saying, ‘the halacha is like us’ and the other one saying, ‘the halacha is like us.’ A heavenly voice emerged, saying: ‘These and those are the words of the living G-d,’ but the halacha is like Beit Hillel!” (Eruvin 13a). The *gemara* explains the reason for Beit Hillel’s prominence: “They were easy going, allowed themselves to be insulted, and would mention Beit Shamai’s teachings along with and even before their own.”

From the behavior of Beit Hillel, we can infer what Beit Shamai’s practice was. *Chazal* thereby hinted at their criticism of disputation done without patience for another’s opinion and the resulting disrespect for him. On one hand, the new situation that a broad spectrum of halachic issues was disputed is a sign that the level of Torah learning had deteriorated. On the other hand, the different rabbis had the right to decide matters according to what they believed to be true. Even if I think that another is wrong, I must respect him for doing what he believes is correct. One who fights vociferously with his counterpart or disgraces him because he has a different opinion not only does not remove the *machloket* but spreads it to other areas. It sharpens the *machloket* until it creates not only different opinions but different camps. This is the *sinat chinam* that caused the *Beit Hamikdash*’s destruction.

Such opposing philosophies can exist at any time, most certainly in ours. The Religious Zionist camp and those who claim to have only Torah differ as to understanding the events of our time. While the disagreement could be a healthy phenomenon, it has gone beyond that.

I was always happy to point out that our (Religious Zionist) camp does not fail in the realm of *sinat chinam* in this matter. For example, we would donate to all *yeshivot* and welcome guests of the “opposing camp.” I have been very pained recently at the lack of respect toward those in the other camp, for example by removing their protest signs and threatening against protests against *chillul Shabbat*. Since when is *chillul Shabbat* sectarian within the religious community?! Where is the respect for the dignity of our fellow human being, especially for those who keeps Torah and *mitzvot* even if we think they are “too religious”? Haven’t we been affected by their tactics, the ones we have rejected in the past?

Let the time of the Three Weeks serve as a reminder of the sins of the past, which should keep us away from *sinat chinam* in our times.

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by Rav Daniel Mann

## Tisha B'av Pushed Off till Sunday

**Question:** What is done differently this year with *Tisha B'av* falling on Shabbat and being pushed off to Sunday?

**Answer:** *Seuda Shlishit*. The *baraita* (cited in Ta'anit 29a) says that one may eat an extravagant meal on Shabbat even when Tisha B'Av falls on *Motzaei Shabbat*. The Tur (Orach Chayim 552) cites *minhagim* that one is allowed and would do best to curtail the Shabbat meal. This is especially so at *seuda shlishit*, which is, in effect, the *seuda hamafseket* (the last meal before Tisha B'Av, which usually has strong elements of mourning). However, these considerations are countered by the need to avoid displaying mourning on Shabbat. Therefore, there are no real restrictions, even at *seuda shlishit* (Shulchan Aruch, OC 552:10). However, the mood should somewhat reflect the coming of Tisha B'Av, as long as it does not bring on clearly noticeable changes (Mishna Berura 552:23). One important halachic requirement is that one must finish eating before sunset (Rama, ad loc.).

**Havdala:** One says *Havdala* in *tefilla* or separately in the declaration of "*Baruch Hamavdil...*" which enables him to do actions that are forbidden on Shabbat. *Havdala* over a cup of wine is done after Tisha B'Av (Shulchan Aruch, OC 556:1). If one forgot to mention *Havdala* in *Shemoneh Esrei*, he does not repeat *Shemoneh Esrei* even though he will not make *Havdala* over wine until the next day. Rather, he makes the declaration of *Baruch Hamavdil* (Mishna Berura 556:2). Unlike *Havdala* during the Nine Days, where we try to give the wine to a child (Rama 551:10), after Tisha B'Av an adult can freely drink that wine (Mishna Berura 556:3). The *beracha* on *besamim* is not said this week. On Tisha B'Av it is not appropriate, because it is a reviving pleasure, and one can make this *beracha* only on *Motzaei Shabbat*.

The *beracha* on the fire is specific to *Motzaei Shabbat*, is not a pleasure, and does not require a cup. Therefore, we recite the *beracha* on fire in *shul* after *Ma'ariv*, before reading *Eicha* (Mishna Berura 556:1). There are those who say that a woman should, in general, avoid making *Havdala*. A major reason is the doubt whether a woman is obligated in the *beracha* on fire, which is not directly related to Shabbat and thus is a regular time-related *mitzva*, from which women are exempt (Be'ur Halacha 296:8). Therefore, it is better for one whose wife will not be in *shul* at the time of the *beracha* to have in mind not to fulfill the *mitzva* at that time, but to make the *beracha* on the fire together with his wife (Shemirat Shabbat K'hilchata 62:(98)).

**Taking off shoes:** As mentioned, one may not do a noticeable act of mourning before Shabbat is over. While finishing eating before sunset or refraining from washing need not be noticeable, taking off shoes is. There are two *minhagim* as to when to take them off: 1) One waits until after Shabbat is out, says *Hamavdil*, and then changes clothes and goes to *shul*. One can do so a little earlier than the regular time listed for Shabbat ending, which is usually delayed a little bit beyond nightfall to allow for a significant extension of Shabbat. The exact time is not clear and depends on the latitude of one's location. It is advisable to start *Ma'ariv* a little late in order to allow people to do so and make it to *shul* (ibid.:40; Torat Hamoadim 9:1), unless the rabbi has ruled that everyone should take the following approach. 2) One takes off his shoes after *Barchu* of *Ma'ariv*. One who takes the second approach should bring non-leather footwear and *Eicha*/Kinot to *shul* before Shabbat to avoid *hachana* (preparations for after Shabbat). However, if one uses these *sefarim* a little in *shul* before Shabbat is out, he may bring them on Shabbat (Shemirat Shabbat K'hilchata ibid.:41).

**Restrictions after Tisha B'Av:** Since much of the *Beit Hamikdash* burnt on 10 Av, the *minhag* developed to not eat meat or drink wine on this day. Some are stringent on laundering, bathing, and haircutting until midday of the 10<sup>th</sup>. On a year like this, only meat and wine are restricted and only at night (Rama, OC ibid.; Mishna Berura ad loc. 4).



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# Ein Ayah

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

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Devarim

## Being Born Into an Ideal Spiritual State

(condensed from Ein Ayah, Shabbat 2:50)

**Gemara:** [The *pasuk* (Melachim I, 8:66) discusses the aftermath of the celebration of the inauguration of the *Beit Hamikdash*.] “They went to their tents” – i.e., they found their wives to be pure (not *niddot*) – “happy” – i.e., they enjoyed the aura of the Divine Presence – “with a good heart” – i.e., the wives of each and every one of them became pregnant and gave birth to a boy.

**Ein Ayah:** The spiritual uplifting of an individual or a community can sometimes constrict the vigor of life. However, that is not the most complete way of service of Hashem. When Hashem's blessing to His nation brings complete spiritual elevation, it will not reduce natural inclinations but will embellish and purify them, so that they relate to man's pure side, not his coarse, animalistic side. When a person's natural inclinations are purified by his intellectual/spiritual side, they can bring him to fulfillment of the greatest G-d-ordained goals.

It was wonderful when the status of Israel soared when the *Beit Hamikdash*, the great and holy house from which Torah and light went out to Israel and the whole world, was inaugurated. Everyone joined together in the loftiest joyfulness of *mitzva*. The event dictated the nature of the spiritual elevation – it was to be in the manner of perfecting, not minimizing inclinations, and thereby filling the pure soul with divine light, which improves the inclinations' goals.

It is in this light that we are to see the *gemara's* statement that people found their wives pure. The Divine Will is that sensual inclinations be pure and not allow people to corrupt them for darkness. When people's personal lives are pure, they can be happy with the aura of the Divine Presence (the next idea in the *gemara*). This refers to the relationship with the Creator in both intellectual and emotional ways and following His way of love of truth and deep recognition.

“With a good heart” relates to a situation in which natural inclinations hit their mark. Fulfilling one's natural desires was initially just necessary to encourage the important goal of creating new life. This goal is best attained if the sanctity of life is improved. At the great point in history of the *Beit Hamikdash's* inauguration, every man's wife became pregnant with a boy. Imagine how positive an effect those who were born through that context brought. After all, they were full of holy emotions, with tendencies toward Hashem's light and the proper love of their nation. Service of Hashem revolves around men, although the women are trustworthy assistants. At that unprecedentedly opportune moment, it was proper that the more directly involved servants should be born, prepared to fulfill the Divine Desire which prevailed at that time.

One of Israel's strengths is for its intellect to be prominent over its emotions and help nourish the emotions properly. Hashem gave women an emotional heart. They feel things in good taste, pleasantness, and beauty, with an extra insight than exceeds men's. But pure intellect, the “father of all desired matters,” is most influential and gives guidance to the emotional as well. In this, men have an advantage. Thus, under the influence of the powerful spiritual event of the inauguration of the *Beit Hamikdash*, at which point a center of light for Israel and for the world began operation, the Jewish attribute of giving prominence to the intellect became recognized. This brought a most complete state of success and a light of truth and peace. Therefore, at that time all the women gave birth to boys, who were prepared to be involved in intellectual service in the highest way, with prominence even over the emotional.

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# P'ninat Mishpat

## Rabbinic Ban to Protect Jewish Publishers

(based on Shut Chatam Sofer, Choshen Mishpat 41)

**Presentation of the Querying Rabbi (Rav Mordechai Benet of Nicholsburg):** If the illustrious Rav Moshe Sofer asks me to add my *haskama* (approbation) to the compilation of Torah ideas from masters of the past, I find it difficult to refuse, but I see little gain. One reason for a *haskama* is to approve its content, which is unnecessary in this case.

The second reason is to ban others' reprinting of the book. However, I already wrote to the Rav of Diernfort that we cannot do that. Firstly, the rights and responsibility for publishing are in the king's hand, and who can prevent him from a new publishing that he wants? Second, how can a first publisher prevent a second publishing, especially when it is not an original work but a compilation requiring little work? Since many non-Jews publish *sefarim* and they will not listen to us, banning Jews from publishing just damages the other Jewish publishers without effectively protecting the original publisher. I must thus refuse your request. On second thought, I will be polite enough to write a letter appealing to publishers not to publish without permission.

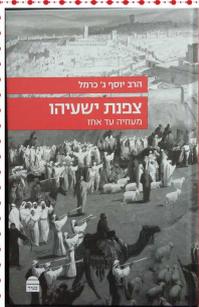
**Response of the Chatam Sofer:** Greeting to the distinguished Rav of Nicholsburg. I received your words, along with your *haskama* on the *sefer* Uryan Tlita'i – may the merit of the authors quoted help you.

I was very surprised that you want to cancel the *minhag* of *haskamot*, which I consider appropriate even for the reprinting of old works. Realize that since the practice of *haskamot* has been weakened, many irresponsible books have been published. *Baruch Hashem*, there are still G-d-fearers who will not buy a *sefer* unless it has the *haskama* of a known *rav*. I explained the matter in my *haskama* to Halachot Gedolot, although the censor removed a few lines. Fortunate is the generation in which the great people (Rav Benet) listen to their juniors [ed. note – written in humility; while Rav Benet was a little older and an important rabbinical figure, the Chatam Sofer already exceeded him in prominence].

Because the Kaiser forbids placing a ban, I only mention the existing prohibition of *hasagat gevul* (encroaching on another's livelihood). Admittedly, it is unclear if the laws of *hasagat gevul* alone apply formally in this case. This has prompted rabbis to always write *haskamot*, from the time printing began to use them to warn other publishers not to harm those who invest time and money into publishing Torah works. It is unlike other forms of competition because it is impossible to publish without significant expenses, which one loses if someone else publishes a book after he has. The Rama already took this step to protect the publisher of an edition of the Rambam. [He continues with other historical precedents.]

It is true that a *rav* cannot impose his ban on inhabitants of another country, but this is a general ban of rabbinic leaders throughout the world over the ages, which the present-day *rav* is only needed to apply. It is not true that a ban impinges on the government's efforts to raise money through licensing taxes, as the same publishers can publish a different book that is not spoken for.

I remember that my father-in-law (R. Akiva Eiger) wrote to me in a letter that he is very upset that a *rav* in his region told him that the rabbinate no longer accepts *haskamot* as binding. Now I realize that it was the Rav of Diernfort, with your support. I wait to hear your response.



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