

# HEMDAT YAMIM

PARASHAT Vaeira  
This week.....

27 Tevet 5768

This edition of Hemdat Yamim is dedicated in loving memory of  
**R' Meir ben Yechezkel Shraga Brachfeld**

o.b.m

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## Present or Inheritance... or Both?

The fifth of the promises to the soon to be liberated nation that our *parasha* begins with was the promise to be brought to the Land that Hashem would give them as a *morasha* (inheritance) (Shemot 6:8). Commentators are sensitive to the relatively uncommon use of the word *morasha*, especially when it is used with the verb “to give.” After all, giving applies to a present that one consciously gives to one he chooses. In contrast the halacha is that inheritance goes automatically to he who is in line for it.

One can claim that the Torah uses the verb “to give” in this context because this is not a normal inheritance. Firstly, Hashem obviously did not die. Also, His “property” is not fully divided up among a group of inheritors, so Hashem must determine what to give as an inheritance and what to not give as inheritance.

The Netivot Shalom points out that giving has different connotations than inheritance. Giving indicates a more worthy recipient. Firstly, he needs to deserve to receive it. Secondly, the Netivot Shalom demonstrates how, according to Jewish thought, the recipient is one who enjoys and appreciates that which he receives, which is not necessarily the case regarding inheritance. What he does not highlight is what if any advantages there are for *morasha*.

I heard from Rav Hershel Schachter *shlita* that *morasha* is not just an inheritance that one may receive but if he desires he can thereafter dispose of. Rather it is a legacy that one is required to cling to and will be connected to him even if he tries to rid himself of it. While the thing needs to be given, it is something that is not received as a simple present but as a legacy. It is also something that we receive because of our familial connection. As the *pasuk* (ibid.) indicates the generation that entered *Eretz Yisrael* did not receive the Land in its own merit. Rather, the people were the inheritors of the forefathers to whom it was promised and who received it as a gift due to their virtue.

One should note that another prominent “gift” that Bnei Yisrael received that also is called a *morasha* is the Torah (Devarim 33:4). Torah, of course, is not just a privilege but is a grave and permanent responsibility. Torah and *Eretz Yisrael* share something else. They are the only two things in this world that, according to the *gemara* (Berachot 5a), are given through hardship. Indeed, these are hardships that are not only worthwhile to undergo but those that we are responsible to undergo in order to live up to our legacy.

In an age when people are used to receiving presents that are expected to make our lives easier or more fun, it is important to remember that the gift of legacies that are significant beyond compare are worth the trouble they entail and dedication they require.

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## Ask the Rabbi

**Question:** Sometimes I have seen *ba'alei k'ri'ah* who, when they make a mistake in a *pasuk* in which Hashem's Name is mentioned, repeat the whole *pasuk*. Can you tell me whether the practice is necessary and how it is done, as I have noticed a lack of consistency?

**Answer:** There are mistakes in reading that are serious enough to require repeating words (see Shulchan Aruch, Orach Chayim 142:1 with commentaries). Where the mistake was caught impacts on the extent to which the repetition is problematic. Two major issues have to be considered in this regard. One is that we want to avoid repeating Hashem's Name. If, for example, the Name is found once in a given *pasuk* it may be a disgrace to the Name to be read twice. Another issue is that we are not supposed to read only a part of a *pasuk* without sufficient justification (Megilla 22a). The question is when fixing up a *pasuk* that has been read improperly justifies these two things.

The earliest source we have seen referenced on this topic is the Chayei Adam (written only about 200 years ago). He writes (2:5) that while one may not read only part of a *pasuk* for no particular reason, even if Hashem's Name is not found within, one may repeat part of a *pasuk* if he wants to fix a mistake (apparently even when it is not critical) even if it entails repeating a Name. His explanation for this leniency is that it is not viewed as reading part of a *pasuk* or inappropriately reciting a Name but rather completing a *pasuk* that had been incomplete because of a mistake. Various *poskim* have cited the Chayei Adam's ruling as the authoritative opinion on the matter (see Magen Haelef (619:54) and Afarkasta D'anya (II, OC 23)).

Strangely, two respected yet not commonly found *sefarim* introduce a different ruling based on their understanding of the Chayei Adam. The Chesed La'alafim and Sha'arei Rachamim (cited by the Tzitz Eliezer XII, 40) say that if one wants to return to the beginning of a *pasuk* in order to repeat Hashem's Name in the context of a full *pasuk*, he may do so. The *chiddush* behind this ruling is that we are not concerned that retroactively we are leaving the part of the *pasuk* that was read before the mistake was caught as an unfinished *pasuk*. It is in fact permitted because it is done in order to prevent repeating Hashem's Name improperly, which would occur if one would just repeat a few words including Hashem's Name without restarting the *pasuk*.

The Tzitz Eliezer (ibid.) claims convincingly that the Chayei Adam should be understood as we originally cited. Thus, it is never necessary to restart a *pasuk* because of Hashem's Name. The other sources may have understood the Chayei Adam differently because of the *minhag* to return to the beginning of the *pasuk*. The Tzitz Eliezer actually concedes that the *minhag* is not like the Chayei Adam but to restart the *pasuk*, and he instructs to conform to the *minhag*. However, he says to first complete the *pasuk* before returning to the beginning so as not to leave it unnecessarily incomplete. Admittedly completing the *pasuk* may not have full value if the mistake renders the *pasuk* invalid. Considering this, we can understand his distinction, that if one has to recite more Names in order to complete the *pasuk*, he should rather "cut his losses" and revert immediately to the beginning of the *pasuk*, like the Chesed La'alafim's system.

Since all of the systems one can employ are reasonable, a *gabbai* can allow the *ba'al k'ri'ah* to do as he is accustomed and not confuse him. (Banging civilly on the *bima* or otherwise indicating to the confused congregation that something out of the ordinary will be occurring is often advisable.) Those who correct should also consider whether the correction they are contemplating is worthwhile, especially under the circumstances.

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## The Approaches of Chasidut, Hitnagdut, and the Mussar Movement – part V

(from Perakim B'Machshevet Yisrael, pp. 515-531)

### Hitnagdut (Opposition [to Chasidism]) II

[In our first installment on Hitnagdut, we saw that while most of the concepts of Chasidut were acceptable to Mitnagdim, the extreme to which some Chasidim took these concepts, such as the perfection of the tzaddik, the absolute necessity for elaborate preparations, and that everything serves as a manifestation of Hashem's presence, were likely to be abused or come at the expense of normative practice.]

Man's task is to raise the world by means of the system that was set by the Creator, which is Torah and *mitzvot*, as they are passed down with their explanations by the Rabbis and the *poskim*. By following these matters with great care one can reach the promised completeness, and any movement away from this path even with good intentions cannot bring this level. "It [the Torah] is not in the Heaven." A great person should not deceive himself to think that his grasp is so great that he can see the secret of the *mitzvot* in the upper worlds that are appropriate to the root of his soul. He thus may not say that it is possible to violate a certain *mitzva* or even one of its details (based on Nefesh Hachayim). Rather we are to keep every detail of every *mitzva* including its time. Special intentions in fulfilling the *mitzva* are not at the *mitzva's* heart, rather the fulfillment itself includes the deepest intentions. Even a standard fulfillment without knowing secrets will impact and fix worlds and will create more sanctity and light (ibid.)

Clinging to Hashem is not the purpose of the *mitzvot*, as there is nothing more conducive for clinging to Hashem than saying Tehillim properly all day long. Focusing on one's intention causes an obstacle, as it causes some to refrain from studying Torah because to learn properly requires one to have an uninterrupted high level of concentration and clinging. There is even a more unhealthy opinion that posits that Torah study without clinging is worth nothing. The main intention of *lishma* (studying for the proper purpose) is studying for the sake of the Torah. This is opposed to those who dedicate all of their study to books of *mussar* and *yirah* (encouragement to act with fear of Hashem). Although our food needs proper storage facilities, it is not logical that one would put all of his efforts into the storage and not produce the food that needs to be stored.

Not only in physical *mitzvot* is the action more important than the intention but even in *mitzvot* like *tefilla*, which is called service of the heart, the main thing is for a person to pronounce the words with his lips according to the text that was composed. The actions themselves act in all the worlds to the point that a person would be filled with fear if he would take note of this fact.

Within the framework of *mitzvot*, the greatest stress is to be put on Torah study, as occupying oneself in it makes one cling to Hashem. The Torah's upper root is very lofty, above and beyond that of other *mitzvot* including *tefilla*, whose efficacy also depends on Torah. The *mitzvot* in general receive their light only from the holy letters of the Torah. If the world were bereft for even one second of Torah study, all of the worlds would be destroyed.

Acquiring fear of G-d which is necessary to safeguard Torah wisdom does not require an action outside of Torah itself, as the Torah itself clothes a person in fear of Hashem. Everyone has the ability to involve himself in Torah study in a manner that is suitable for him.

One should not look [as Chasidim do] to one person as the pipe through which the stream of holiness flows. One must not make himself subservient to any power in any service of Hashem, even to the holy spirit of a prophet, and doing so is full idolatry. A person does not require any intermediaries except for Torah.

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# P'ninat Mishpat

## An Abrupt End to a Rental

(based on Halacha Psuka, vol. 37 - condensation of a *p'sak* by Beit Din Gazit, Beit Shemesh)

**Case:** The plaintiff (=pl) rented an apartment to the defendant (=def). During the first year, there was a clear rental contract. For the second year, it was originally orally agreed that the rental would end in August, and this was later extended until October, with the possibility of extending it past then. Now *def* wants to extend it until February but *pl* informed *def* on Oct. 25<sup>th</sup> that he wants him out by the month's end. *Def* claims that since *pl* failed to set a date, it is like the case of an open-ended rental, in regard to which one is not allowed to expel a tenant during the rainy season.

**Ruling:** We will start with *def's* assumption, that this was an open-ended rental, about which the Shulchan Aruch (Choshen Mishpat 312:5) says that it can be ended with 30 days notice but even then not in between Sukkot and Pesach. However, this ruling does not apply in our case for several reasons. The reason for this halacha, that it is difficult to find a home during this season (see S'ma ad loc.:67), does not apply in the city that the apartment in question is located. Secondly, since the two already agreed on an exit date of October, *def* evidently agreed to find a home during that season. Even the 30 day warning does not seem to apply since the arrangement had been that they would decide after Sukkot (Oct. 7<sup>th</sup> that year), and since the rental could have ended as soon as the end of October, he agreed to 24 days notice. At the very most, *def* could have 30 days from the time he was told to leave, which comes out to Nov. 25<sup>th</sup>.

In truth, though, this case is one of a set rental until the end of October. In such a case, as soon as the time comes to an end, the renter can be asked to leave without any further warning (Shulchan Aruch *ibid.*:8). It is true that the possibility of extending the time past October was discussed, but since nothing was agreed upon beyond that, that is considered the final date. Furthermore, *pl* denies agreeing to extend the rental and in such matters the landlord benefits from the doubt (*ibid.*:16).

Despite the analysis above, *beit din* decided to make a compromise on the matter for the following reasons. Although *pl* claims to have never committed to extending the rental, he admits to having agreed to discuss the matter, a discussion which never transpired. Secondly, at the time of the case before *beit din*, *def* was serving in army reserve duty, a time when one cannot effectively look for a new apartment. In a similar case, the Maharil (67) suggested extending the time of the rental. Since *pl* agreed to extend the rental for a week and he does bear some responsibility for that which transpired, the renter is given until November 17<sup>th</sup> to move out.

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