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Founder and President

HEMDAT YAMIM

Parashat HaShavua

Bechukotai, 20 Iyar 5776

Komemiyut

Rav Daniel Mann

On Yom Ha'atzmaut we celebrated the establishment of the State of Israel, which became a reality, to a great extent, by our miraculous success in the War of Independence. In Hebrew that war has a few names – including, *Milchemet Hakomemiyut*. The word *komemiyut* is a *mila yechida'it* – a word that is found only once in the Torah. In this case, it is found in our *parasha*: "I am Hashem who took you out from the Land of Egypt from being slaves, and I broke the staves of your yoke, and I led you *komemiyut*" (Vayikra 26:13). I refrained from translating the word, and for good reason. One of the ways commentators and translators know how to explain a word is by comparing it to its other appearances in *Tanach*, including some in which the meaning is clear by context. Since we cannot do that for *komemiyut*, we will use other methods: context in our *pasuk*, analyzing the root, along, of course, with looking at our classical commentators.

The end of our *pasuk* seems to give a metaphorical clarification for that which its beginning raises – the Exodus. By taking us out of slavery, Hashem was breaking the yoke that represents slavery. In other words, not only was the yoke removed, but it was never to be used again. This ostensibly cleared the way for a next stage – leading us *komemiyut*. Unkelus translates *komemiyut* as to freedom, which explains the previous metaphor. This may also be the source for the understanding of those who named that crucial war, *Milchemet Hakomemiyut* (The War of Freedom).

Other opinions in *Chazal* assume *komemiyut* continues to describe the nation metaphorically. Some say (see Bava Batra 75a) it is a combination of two words – *koma* (height) *me'at* (either 100 or 200 *amot*). While we have no indication this was literally true, it hints at great stature with which Hashem provided us. We can maintain that stature by avoiding the great sins that precipitate the curses our *parasha* moves on to discuss. Rashi, based on *midrashim* in several places, talks of standing erect, and the *midrashim* continue that the people were not afraid of any living thing. This is also apparently connected to the root of *koma*, embedded in *komemiyut*, but instead of referring to height, it refers to posture and the frame of mind it represents.

Another possible direction is to relate it to the most similar words found in *Tanach*, the verb *lekomem* (see Yeshaya 44:26; ibid. 58:12; Micha 2:8). The consensus is that this verb means to establish (which captures the idea of the '48 war, as well), like the similar word *lehakim*.

One of the reasons to want to understand this word is that we use it every morning in the *beracha* before *Kri'at Shema*: "Bring us in peace from the four corners of the world and lead us *komemiyut* to our Land." Are we asking to be brought in freedom to our Land, like Unkelus? Do we want to be tall or erect (figuratively) when we come and not have to sneak in under the eyes of the Turkish, British, or whomever? Do we want to come in such a way that we are able to be established here – permanently, as part of a great building process? I imagine that for most of us, the answer is – let's request all of them, and thank Hashem that we have merited to have made nice progress already.

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Deans: Harav Yosef Carmel, Harav Moshe Ehrenreich
2 Bruriya St. corner of Rav Chiya St.
POB 8178 Jerusalem 91080
Tel: 972-2-5371485 Fax: 972-2-5379626.
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American Friends of Eretz Hemdah Institutions

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Ein Ayah

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

Appreciating Sanctity

(Condensed from Ein Ayah, Shabbat 2:200)

Gemara: Rabbi Yishmael ben Elazar says: Due to two sins, ignorant people die: for calling the *aron kodesh* (ark holding Torah scrolls) *arana* (roughly, a closet) and for calling a *beit kneset* (synagogue) a *beit am* (house of the people).

Ein Ayah: Sometimes the intellects of simple people recognize something's innate greatness but cannot refine that recognition. Such weak understanding is damaging and can even lead to their death.

We need to toil so that the general public, including those with intellectual abilities which have not concentrated on Torah, will understand that external items connected to good relate to divinely inspired wisdom. Even the untrained mind, if it is sensitive enough, can grasp truth like a flash of lightning. A person needs to put in proper perspective the connection between lofty ideas and specific physical things, which he can do according to his spiritual level. This is the foundation of the Torah and the path of a life of truth. This is also the strength of prophets, who connect the physical with the divine so that divine intellect influences their emotions and elevates everything.

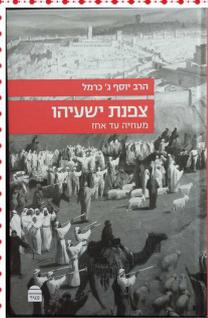
For any person to have a life of sanctity, he needs to be connected to divine conceptions of truth, which possess great power to elevate him. A person has to choose a path in his life, and life presents many conflicting experiences. In whatever place and level he is, he can find divine grandeur, as the *pasuk* says: "If I rise up to the heaven, there You are, or if I go down to the depths, indeed it is You" (Tehillim 139:8).

In order to recognize this, natural intellect does not suffice, as one requires serious, consistent study. Torah is compared to water, which descends from a high place to a low one, representing humility, which is the crown of wisdom. With such recognition, one views an *aron kodesh* as a storehouse of sanctity.

If an ignorant person relies on his natural intellect, he will continuously deteriorate. He will not allow special things to impact on his life, and he will not agree to surrender his opinion to those of scholars. If he views himself as intelligent enough to know better than the scholars who have learned truth, life, and goodness, he can lower himself to a pit of destruction.

It may start internally, with an attitude on how to view Torah and the honor it deserves. But from there, untrained ideas continue to matters of the running of society, which, if they take hold, can prevent society from progressing in sanctity. They will view society from its secular side and will not enable the internal value of society to take root. This happens because the untrained mind does not see a way to connect between lofty ideas, which are the basis of sanctity, and life of activity, which involves simple, small matters.

When one cannot see sanctity in communal life, he views a *beit kneset* as a *beit am*. This is wrong because sanctity of divine origin descends upon a united community of Jews, with all the matters of life that join them, and turns a synagogue into a House of Hashem and a mini-Temple. This imprints on the entire holy community a stamp of sanctity, life, and truth in a manner that it cannot impact on individuals. People can then see how events are connected to a greater picture that is full of light, and that the community can be truly successful when the Torah impacts on it. "In the congregations, bless Hashem, the Lord, from the source of Israel" (Tehillim 68:27). The more the light of Torah shines on people, the more their untrained intellects become elevated. Then, they will grasp the tree of life and its branches and view the *aron kodesh* as sacred, and realize that Israel is separate not by chance but by design of the special divine soul, which accompanies us when we join together. Hashem is present in a synagogue, not in a *beit am*.



Tzofnat Yeshayahu- Rabbi Yosef Carmel

The Prophet Yeshayahu performed in one of the most stormy and dramatic periods of the Israeli nation's life, a period of anticipation for the Messiah that was broken by a terrible earthquake, and also caused a spiritual and political upheaval. The light at the end of the tunnel shone again only in the days of Chizkiyah.

"Tzofnat Yeshayahu – from Uziya to Ahaz" introduces us to three kings who stood at this crossroad in our nation's history: Uziya, a king who sought God but was stricken with leprosy because of his sin; Yotam, the most righteous king in the history of our people; And Ahaz, the king who knew God but did not believe in His providence.

In his commentary on the prophecies of Yeshayahu, Rabbi Yosef Carmel, Head of the Eretz Hemdah-Gazit rabbinical court and a disciple of Rabbi Shaul Israeli zt"l, clings to the words of Hazal, our sages, and to the commentaries of the Rishonim, the great Jewish scholars of the middle ages, and offers a fascinating way to study Tanach. This reading attempts to explain the Divine Plan in this difficult period and to clarify fundamental issues in faith. Tzofnat Yeshayahu reveals to the reader the meaning of the prophecies in the context of the prophet's generation and their relevance to our generation.

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P'ninat Mishpat

Damages from Water Pressure

(Ruling 74043 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The plaintiff (=p) is an agricultural company located in a *moshav* (=def), which is a go-between p/ and Mekorot (the water utility). In the summer of 2007, Mekorot doubled the water pressure to def, shortly after p/ planted 60 dunams of grape vines (at a cost of appr. 1,000,000 shekels, including installation of a sprinkling system). The system could not handle the increased water pressure, causing serious leaks. The cost of fixing the system and paying for lost water was 30,000 shekels. P/ blames def for not informing them about the change in pressure, which p/ claims is def's responsibility as the liaison between Mekorot and the farmers. Def claims that they are just a funnel for payment, and that in any case, Mekorot did not inform def. (P/ claims that def should have received notice.) During negotiations between the sides with the involvement of Mr. A, p/ was told that the regional council would pay for half of the damages, which they ultimately did not do. There is a dispute whether this indicates that def accepted that p/ should be compensated, which def should then carry out, explaining why p/ is demanding 15,000 shekels from def. Mr. A testified that the regional council agreed to pay half, which sufficed for p/, and there was not discussion about a case in which they would not carry it out, but Mr. A reasons that def should pay in that case.

Ruling: It is not possible to obligate def based on the rules of direct damages because it was actually p/ who directly caused the damage when it operated the sprinkling system.

Sometimes one can be obligated for indirect damage when he caused his friend to rely upon him and then did not act as he promised. One example is when Reuven tells Shimon to travel to a court for adjudication and then Reuven himself did not come (Rama, Choshen Mishpat 14:5). In our case, one should be able to rely on having water provided in a manner that will not cause damages. Thus, if p/ sued Mekorot, they would have a strong case, especially here, when after planting the vine saplings, they need to water the vineyard promptly. Even after seeing there was damage, p/ still did the right thing by continuing to water the vines, in order to prevent the greater loss of the vines dying.

However, def only accepted upon itself to help in arrangements with Mekorot. In the meantime, they are doing their part by agreeing to cooperate if p/ sues Mekorot. It was also def's responsibility to pass on communication from Mekorot. However, they deny having received such communication. Furthermore, p/ does not claim to know that def received notification; p/ just (reasonably) assumes it. Therefore, there are insufficient grounds to obligate def.

Regarding what was said during negotiations, def was aware that the plan was for the Regional Council to pay for half the damages. However, there is no evidence that def accepted upon itself to ensure that p/ would receive such a sum. The fact that Mr. A thinks that this is the correct thing to do is a matter of his judgment, not of testimony.

Therefore, p/'s claim is rejected.

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