



HaRav Shaul Israeli zt"l
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HEMDAT YAMIM

חמדת ימים

Parashat HaShavua

Miketz , 2 Tevet 5777

An Exciting Genetic Jewish Marker

Harav Yosef Carmel

Last week we saw that all of the patriarchs were seriously involved in conversion and thus in welcoming people into the fold. We mentioned that we should look to help three categories of people who live in Israel but could find themselves excluded from the Jewish community. 1) Proving the Jewishness of born Jewish who, due to the horrors that befell the Jewish people in previous generations, cannot prove it. 2) Providing valid conversions for the children of Jewish fathers. 3) Dealing with those without Jewish blood who still were able to enter Israel under the Law of Return. This week we will focus on group #1.

Professor Karl Skorecki of the Technion in Haifa, along with other important scientists worldwide, have proven that approximately 40% of Ashkenazi Jews in Europe are descendants of four Jewish women who migrated with their families to parts of Europe where Jews previously had not lived, more than 1,200 years ago. One can find "footprints" of links to these "matriarchs" in the gene pool today. Let us quickly explain how.

All people receive DNA both from their mother and from their father, and this genetic information is found in the nucleus of all of a body's cells. A small group of genes, which is different from the rest of the human genome, is not found within the nucleus but "resides" nearby in the cell's mitochondria. It is called mtDNA. A female's egg is the largest cell in the human body, and a male's sperm is the smallest. The mtDNA is in the egg itself but only in the tail of the sperm. In the reproductive process, the embryo receives mtDNA only from the mother, not the father. Thus, the aforementioned four Jewish matriarchs passed on this part of their genetic codes through their daughters to their Jewish offspring many generations later, "untainted" by their male spouses codes. (A male has mtDNA from his matriarchal chain, but he does not pass it on.)

In the framework of supporting the efforts of diaspora rabbis and the Bemareh Habazak responsa project, a European rabbi from one of our "learning groups" asked us the following question: "A woman came to me, wanting to join the community with her children, claiming that she is Jewish. She says she is the granddaughter of a Holocaust survivor, who swore when she left the camp that she would have no connection with Judaism or Jews. She married a non-Jewish man and made sure her children would marry non-Jews. Her daughter's daughter has presented us with an mtDNA analysis proving genetically that she is a descendant of one of the four founding women of the Ashkenazic communities of Europe."

Can we rely on these results halachically? When this question first reached us, we realized that this idea has the potential to be very significant for many *olim* who cannot prove their Jewish lineage. After this discussion of the scientific background, we will deal with halachic analysis next week. Let us just stress at this point that no aspersions whatsoever can be cast on someone who lacks a link to these four women. Most Jews in the world do not have the gene code in question, so not having it does not at all preclude Judaism.

In the meantime, we wish our readers and all of *Klal Yisrael* a happy Chanuka with an abundance of light.

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Ask the Rabbi

by Rav Daniel Mann

Place of Chanuka Candle Lighting at a Guesthouse

Question: My extended family will be at a guesthouse for Shabbat of Chanuka. They have told us that we cannot light Chanuka candles in the rooms we will sleep in or our family's small, separate dining room, but in the main lobby with the rest of the guests. Can we fulfill the *mitzva* that way, or must we find an alternative?


Answer: While one usually lights Chanuka candles in his own home, the *gemara* (Shabbat 23a) does discuss lighting at a guesthouse (*achsenai*). A guest takes part in the lighting there, at least by contributing toward the oil, unless his wife lights on his behalf. The Shulchan Aruch (677:1) says that in any case, if the guest has his own place to sleep, he should light there so that it does not appear that the occupant of those quarters does not light candles. The Rama (ad loc.) says that in such a case, since people light inside nowadays and people will not be suspicious, the place one lights is where he eats. A precedent is the halacha that regarding matters of *eiruv*, a person's main place of inhabitation is where he eats, not where he sleeps (see Taz, OC 671:2).

Contemporary *poskim* have discussed various cases where it is less clear that the eating place is the best place. Yeshiva students living in dormitories is perhaps the most discussed. The Chazon Ish is among those who say that the yeshiva dining room is indeed the best place. However, many point out drawbacks. First, the dining room, being used by all students, lacks the personal connection to the individual that exists in his home or even dorm room (see Igrot Moshe, Yoreh Deah III:14). Also, students are usually allowed in the dining room only for short periods during the day (*p'sak* of Rav Abba Shaul). In contrast, one's dormitory room is his all the time (even if a healthy, motivated *talmid* is in the *beit midrash* almost all day).

Your scenario might provide a test-case between the reasons. Over Shabbat, your small dining room is set aside for your family, which could make it ideal for most *poskim*. However, there is a possible drawback if, as it is likely it will not be open to you the whole day. Still, that is to a great extent to keep the room in good order for your next meal, and also on Friday night, it will certainly be available to you throughout the crucial time the Chanuka candles should be lit. While one might claim that the rooms you sleep in are as good or even better, the hotel will undoubtedly not give in (for excellent reason) to have candles burning in several unattended rooms. (During the week, it might work to promise to stay put for half an hour and then extinguish them). In short, if you can make a safe arrangement and get permission to light in your dining room, that is excellent.

At first glance, the lobby seems problematic, as it is neither the place of sleeping nor eating. However, important *poskim* (including Rav S.Z. Auerbach – see Halichot Shlomo 14:8 – and Shevet Halevi (III:83)) making the following cogent point. The discussions regarding the place of sleep vs. eating refer to the choice between places in different buildings (e.g., married children eating with parents and sleeping at home). However, when all major home activities occur in one premises, even a large one like a yeshiva, any location on those premises which they frequent can work. After all, it is accepted and acceptable to light in one's home in the living room, for example, even if no one eats or sleeps in that room. We would say that the greater the extent to which the lobby is open to and used by the guests, all the more so if it is adjoining the dining room, the stronger the logic of being able to light there. If you visit the candles during the meal, that only improves the situation.

In most cases, we would suggest to light with a *beracha* in the lobby, if you don't get permission for the private dining room. (If someone wants to be *machmir*, he can appoint an agent to light at a safe and appropriate place in his own home; it is still worthwhile to light, at least without a *beracha*, in the lobby.)



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Have a question? -email us at info@eretzhemdah.org

Ein Ayah

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

Continuing the Gains of the Victory over the Greeks

(condensed from Ein Ayah, Shabbat 2:13)

Gemara: [After mentioning the Hasmonean victory and the miracle of the flask of oil, the gemara continues:] The next year, they set these days and made them holidays with *hallel* (songs of praise) and *hoda'ah* (thanks).

Ein Ayah: This was about the spiritual expansion that occurred to stem the social expansion that the Greeks used to inject their “venom” into the mindsets of many of the weak in Israel. While one can view this as a one-time historical event, Greek influence impacted many with its external appeal, so that people could potentially be affected for some time to come. This is both in the realm of Torah philosophy and religious activity.

The sealed flask of oil, involved in the miracle, hints at the strong innermost root of belief of the Jewish soul, which cannot be destroyed. This sends its light at “intruders” and returns all to proper thoughts and actions. After a year, they saw that there continued to be a need for this divinely inspired protection. They needed what the internal power of the oil, untouched by exposure to foreign nations, represented.

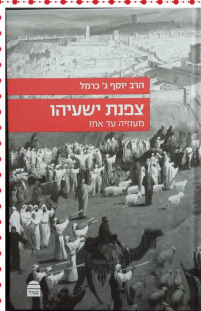
The Rabbis also saw that the encounter with Greek spirit not only provides negative elements. Rather, Hashem runs the world and, especially, Bnei Yisrael, in a way that things that apparently oppose our goals actually empower goodness and truth. Thus, when the encounter left Bnei Yisrael victorious, the beauty of the descendants of Yefet could remain in the tents of the descendants of Shem (see Bereishit 9:27 and Yoma 10a). In fact, it will broaden and glorify the power of Torah and pure fear of G-d. Therefore, these days of Chanuka are appropriate for a celebratory holiday.

There are two elements to the commemoration of these days: *hallel* and *hoda'ah*. The strength of our faith that comes from the expansion of rival philosophies in a way that many are fearful it will swallow up Jewish beliefs and our triumph over them raises Israel’s honor. There are also elements of Greek culture that, when purified by contact with true Torah, present an opportunity of blessing from Hashem. These are worthy of *hallel*.

Hoda'ah is appropriate for the temporary reprieve from the destruction that could have come from the Greeks. There could have been commemoration with feasting and drinking, but that would have been confusing. One might have mistakenly thought that the materialism that was part of Greek culture was a positive element that we extracted from the Greeks. Therefore, when we celebrate the success that emanated from the Chanuka story, we must make sure to remove focus on materialism. The material element of Greek culture is actually something which *Chazal* distanced from us particularly. The positive things have to do with emotions that are honorable and useful.

Nevertheless, *hoda'ah* does include some material happiness, to raise a cup of salvation and call out in the name of Hashem for the grace and truth He bestowed upon us. However, the happiness on Chanuka was instituted in a limited manner. Let people not think that the physical side of Greece, which still includes dangerous elements that have not and will not be uprooted until the time of *Mashiach*, are that which we have integrated in Israel.

The main thing during these days is to recognize the great importance of Divine Providence, how a political phenomenon that could have destroyed us actually ended up making us stronger than we were before. Indeed, the evil angel had to answer Amen to the blessing we received, as the angel of Eisav did when he was unsuccessful in wrestling Yaakov to destruction. From this emerge both the localized salvation of the Jews of the time and, more importantly, the great spiritual salvation that is developing and will turn darkness to light. In honor of both of these together, these days of holiday were established, with both *hallel* and *hoda'ah*.



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

Responsibility for Electricity Infrastructure – part III

(based on ruling 73056 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The plaintiff (=pl), a company that produces electricity for the electric company (=IEC) from solar panels, rented rooftops to place the panels from the defendant (=def), a settlement. Def supplies electricity for their residents through bulk supply (the electric company is not connected to each home). The same electricity room and closet transfers electricity both ways between def/pl and IEC. The involvement of IEC made it necessary to begin work before the contract was complete. IEC carried out three inspections of the electricity room. After the last, they claimed mortal danger and demanded redoing the electricity closet, with a threat of otherwise rejecting pl's project and shutting down def's electricity. Pl and def disagreed as to who should be responsible for the renovations, and it was decided that pl would perform them, and *beit din* would rule on possible reimbursement. Pl claims that their agreement requires def to provide electrical infrastructure and that def knew this was expected to include layouts of money. Def also benefitted from the replacement of their very dangerous electrical room with a quality one at an under-market price. Def claims that pl should have checked that def's infrastructure was sufficient before beginning work. At the time the agreement was signed, pl, which is in the field and met with IEC, were aware of the expense, while def were not. The improvements are not particularly beneficial for them, as def is in the process of phasing out the bulk supply system and will not need the electrical room. Therefore, the deal, as pl presents it, is unprofitable for def, and they would not have agreed to it.

Ruling: [We saw last time that def could have backed out of the agreement with pl when IEC rejected the electricity infrastructure.]

Can we learn anything from def's agreement to have the work done? This is not an indication that they agreed to pay for repairs. On the contrary, they refused to pay anything up front, although they knew they might be obligated by *beit din* later. However, the fact that they appointed a representative to follow the progress of the repairs and during that period they did not complain about the extent of the work showed that they viewed the actions taken as reasonable. In fact, the representative said that cheaper alternatives were rejected as untenable.

While they did not agree to pay, def's benefit from the work (*neheneh*) is a reason to obligate them to pay accordingly. Halacha distinguishes between cases where this was done with or without permission. With permission, the recipient of benefit has to pay the higher between the going price of the work and the expenses in practice (Shulchan Aruch, Choshen Mishpat 375:4). However, in this case, when def refused to pay for any more than they will be forced, they do not have to pay the going rate, and they have to pay only according to the benefit they received.

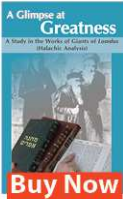
It appears that if not for pl's needs, def could have managed with lesser repairs. The fact that def were and are considering stopping the bulk supply system is a factor in lowering the appraisal of benefit from the long-term improvements. Thus, if def will have to pay the entire price of repairs, they will not have gained from the deal with pl.

With everything considered, *beit din* obligates def to pay 75,000 shekels out of a total repair cost of 134,800 shekels.

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