



HaRav Shaul Israeli zt"l  
Founder and President

# HEMDAT YAMIM

## חֵמְדַּת יָמִימִים

### Parashat HaShavua

Miketz, 28 Kislev 5778

### A G-d Who Cares for Others

Harav Shaul Yisraeli – based on Siach Shaul, p. 132-3

In Paroh's dream, he was standing on top of the Nile (Bereishit 41:1). *Chazal* stressed that this is a hint at the phenomenon that the evil exist "on top of their gods" (Bereishit Rabba 69:3). The Nile is the god of Egypt because it gives them life, turning the river course, found in the midst of a scorching desert, into a flourishing pearl of growth and sustenance. An Egyptian god is a god to the extent that it "produces results," providing needs and desires. The idol of a defeated nation stops being their idol. Egypt knew that they developed because of the Nile and knew how to value the provider of food and water. They knew, in their eyes, how to provide treats and tributes for the Nile. If one sacrifices before a god, it is based on the assumption that it will provide the one who offered it a net gain.

In contrast, for the righteous, Hashem exists on top of them (ibid.), as the Torah says, "And indeed Hashem was standing above [Yaakov]" (Bereishit 28:17). The purpose of Yaakov's life was not to receive but to give, in the proper way. He strove to serve Hashem in the purest, cleanest way. The more he could do it without intention to receive benefit, the happier he was. Such people do not come to provide the "taste that the pallet is used to" but to "improve the taste," so that one can "enjoy the taste of giving." The idea is not to connect oneself to tangible things but to nullify oneself to the point that he can cling to Hashem.

The Baal Hatanya would sing: "I do not want the lower Gan Eden and not even the higher Gan Eden. I want only You; my spirit is thirsty for You; my flesh yearns for You." Certainly, not everyone can reach such levels, and even one who approaches this level cannot keep it up at all times of the day. However, this is the goal and aspiration. This is what Yaakov wanted, and that is the reason that he saw Hashem standing above him.

When the self-absorbed, powerful Paroh dreamed, he could only dream about his interests. People reasoned that not only is man self-absorbed but so must be Hashem, in Whose image man was created. That is why no one could interpret Paroh's dream correctly, even though the correct one seems pretty obvious. Famine and plenty – why would Paroh dream about that? He is not going to go hungry; it affects only the people, not him! So they assumed it had to do with daughters or honor (see Bereishit Rabba 89:6).

When Yosef entered the picture, Paroh started seeing things differently and related that he was standing on the banks of the Nile (Bereishit 41:13). Paroh was shaken by the mysterious dream, and then Yosef told him: "That which Hashem is doing He has told Paroh" (ibid. 25). Hashem wanted Paroh to follow His lead and think about his subjects. Then the solution was simple: plenty and famine for the people.

Yosef, who was viewed so poorly by his brothers, came up with the solution. He had lofty intentions and saw in his predicament an opportunity to sustain his family. That is why he did not get carried away with his success. Rather he concentrated on making a worthy arrangement for his father, including a family *yeshiva*, even in the land of impurity.

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Those who fell in wars for our homeland. May Hashem avenge their blood!



**Eretz Hemdah**  
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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# Ask the Rabbi

by Rav Daniel Mann

## Where to Light on *Motzaei Shabbat*

**Question:** My family will be at my parents' house for Shabbat Chanuka and will be leaving there for home (an hour commute) relatively soon after Shabbat. Where should I light Chanuka candles?

**Answer:** An *achsenai* (guest) is obligated to light unless his family lights on his behalf at home (Shabbat 23a). While the *achsenai's* obligation can be fulfilled by chipping in for the host's lighting (Shulchan Aruch, Orach Chayim 677:1), he usually lights his own candles there (Mishna Berura 677:3), which we assume you will do on Friday.

On *Motzaei Shabbat*, there is a two-fold question. Does your *achsenai* status continue as you are leaving? If it does (or can), is it preferable to light earlier at your temporary home or later at your real home?

Most *poskim* (including Chazon Ovadia (Yosef), Chanuka, p. 155, Chovat Hadar, Chanuka 1:(65), Teshuvot V'hanhagot I:391) rule that it is better, if possible, to light at your own home. Realize that differing circumstances impact on the latest time to light, and there are also various opinions. It is best to light when the public is still on the streets, especially if one usually lights outside or in a visible window. If you cannot make it by such a time, it is better to light in your parents' home (Teshuvot V'hanhagot *ibid.*).

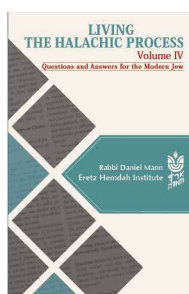
Rav S.Z. Auerbach (cited in Halichot Shlomo, Chanuka p. 279) generally prefers the host's home, with a condition. He says that since when the obligation takes effect, his host's house is his "home," he should fulfill the *mitzva* then and there. He posits, in contrast to Rav Ovadia (*ibid.*), that living by a host for a whole day makes it his effective home until he leaves. Much depends on one's reading of the Biur Halacha 677:1. He says that one who eats a meal at a local friend should not light there, but if he is staying at his parents' for all of Chanuka, he lights there even if he sometimes eats at home. The *Acharonim* differ about cases that are between these two extremes. By lighting on Friday at your parents', you show you accept Rav Auerbach's reading.

Rav Auerbach, though, posits (see Minchat Shlomo II, 58.2) that you can light at your parents' only if you remain a half hour after lighting. That is because the lighting must be viable for a half hour. If one lights with less than a half hour of oil, the lighting is invalid (Shulchan Aruch, OC 675:2). Similarly, if one lights with the intention to extinguish the candles within a half hour, he does not fulfill the *mitzva* (Minchat Shlomo *ibid.*). Since once the person leaves his host, it is no longer his home and the lights are no longer connected to him, leaving within a half hour is equivalent to extinguishing them.

Rav Ovadia Yosef (*ibid.*) reasons that the various opinions depend on whether one's place is determined by where he eats (i.e., at your parents') or where he sleeps (at home, on *Motzaei Shabbat*), and he posits the latter. We usually assume this is a *machloket* between Ashkenazim (eat) and Sephardim (sleep) (see Shulchan Aruch and Rama, OC 677:1).

It seems to me that the two opinions are more a function of how important it is to light as soon as possible, as there is a correlation between that question and the view on your question. For example, Rav Auerbach puts great importance on lighting at the first opportunity (within 30 minutes). For example, although he regularly followed Rabbeinu Tam and did not do *melacha* until 72 minutes after sunset, he nevertheless was very careful to light on *Motzaei Shabbat* between 35 and 50 minutes after sunset (Halichot Shlomo, p. 312). Teshuvot V'hanhagot, as a contrasting example, treated lighting until 7:30 PM as not a problem and therefore, not surprisingly, expected a Shabbat guest to make it home to light by then.

Most people are not very careful (if there is a conflicting need) to light within a half hour of the starting time for lighting. If you fall into that group, we advise you to try to make it home relatively promptly (without being inappropriately hasty) after Shabbat and light at home. Otherwise, light at your parents' and stay a half hour.



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# Ein Ayah

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

## The Light of Future Unity

(condensed from Ein Ayah, Shabbat 2:24)

**Gemara:** What *beracha* does one make [on Chanuka candles]? One says "... Who sanctified us with His *mitzvot* and commanded us to light the candle of Chanuka."

**Ein Ayah:** [Rav Kook is bothered why it is that the *beracha* is on a singular light, considering that the *mitzva* is to light multiple candles. Presumably the question is due to the fact that there are multiple days, as on any given day there is not an outright obligation to light more than one candle and on the first day there is only one candle.]

Chanuka is positively influenced by the loftiest future, as we said (see Ein Ayah, Shabbat 2:8) when explaining the significance of the word *Chanuka*, which is related to the word *chinuch* (education). Chanuka conjures up all the individual lights that need to illuminate the nation: the light of Torah, the light of prophecy, the light of wisdom, the light of justice, the light of bravery, the light of joy, the light of loving-kindness, the light of love, and other similar concepts.

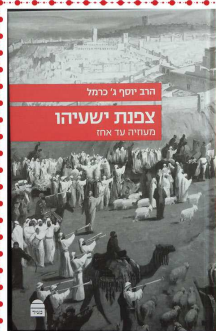
All of these individual lights seem to be independent and separate from each other, only before the highest purpose of life is recognized. It is sometimes important for these lights to stand separately so that the special form of each one of them will not be blurred by their being mixed in among the others.

On the other hand, there are times in which the separation between the different lights (i.e., the concepts that they represent) can bring philosophical disputes. One person will be particularly attracted to one of the lights to an extreme, and it will appear to him that someone who is drawn primarily to a different light is slighting the light that appeals most to him and whose grandeur is clearest to him. In some ways, this can actually be good, as the devotees of each light will take steps to show the greatness and significance of their ideal. When this is done for each light, the intensity of appreciation of each one expands, and, therefore, in all, there is great development of each light.

However, the separation of the lights will not remain forever, for as long as there is a lack of philosophical unity, sanctity cannot be well-based in the world. The greatest blessing is peace, and, in the future, this will be attained when there will be a clear recognition to all that the ostensibly individual lights are actually just one light. That is the reason that we do not refer, in the *beracha*, to the lights of Chanuka. It is because Chanuka is spiritually connected to the distant very lofty future, when Hashem's greatness will be transcendent in the world. In deference to that future time of philosophical unity we refer to the light of Chanuka.

Do not hesitate to ask any question about Jewish life, Jewish tradition or Jewish law.

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### 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

## Was he or Was he Not the Lawyer? – part II

(based on ruling 75084 of the Eretz Hemdah-Gazit Rabbinical Courts)

**Case:** The plaintiff (=pl) bought an apartment in 1994. He and the seller used the defendant (=def) as a lawyer, and def is referenced in the sales contract. In 2007, def's office, in an effort to clear space, sent pl and many others their files. In 2014, the seller informed a startled def that he just found out that the apartment is still in the seller's name; it later surfaced that the tax authorities had also not been notified. After a meeting between def and pl, whose details are quite disputed, def did not take responsibility to complete what was missing. The tax authority demanded 44,000 shekels, most of which was due to very late payment. Pl had a new lawyer finish the processes and negotiate a reduction of late payment (to 7,166 shekels). The new lawyer is charging a total of 7,700 shekels for his services, and pl is suing def to pay for both fees that became needed due to his negligence. Def responds that he had indications that pl had not paid and there is no old record of payment, and so he was not responsible to finish the legal processes. The contract anyway says it is the parties' obligation to ensure the processes are finished.

**Ruling:** Last time we saw that def's denial of responsibility to register the sale and report it to the tax authorities was unacceptable. Now we determine the payment due.

Although def did not actively damage pl, since he assured him that he would take care of matters so that pl relied upon him, the damages caused by his failure to keep his words are payable based on the concept of *histamchut* (reliance). One of the sources for *histamchut* is the Rama (CM 14:5), that if someone tells his counterpart to join him in court in a different city and then the first person does not come, he has to pay the second person's expenses. The Netivot Hamishpat (183:1) applies this even to an agent who promised to buy a commodity on a friend's behalf when the price was low and failed to do so. Therefore, def could have been obligated in the entire penalty of 44,000 shekels (def did not agree to try to reduce the penalty). Likewise, def has to pay the 3,000 shekels that the new lawyer charged for this part of his job, as hiring him was needed to reduce the possible damages and therefore falls upon def.

Is def obligated to pay for the 4,700 shekel that the new lawyer took for registering the apartment (pl admits it was a high fee, beyond what def had been promised years before, because the lawyer deserved more due to the large reduction of the tax penalty)? Def is considered like a *kablan* (worker per job) who backed out, in which case, we reduce from the amount he had coming to him the amount paid to his replacement (Shulchan Aruch, CM 333:4). However, the Shach (CM 333:21) rules that we do not make a worker who backed out pay from his pocket, just that we reduce that which he received for partial work. Therefore, we will just make def return the 750 shekel that he apparently received with some appreciation for inflation [we will skip the long discussion on that matter].

Because several of def's claims were disingenuous, in our view, he will have to pay the entire *beit din* fee and other expenses that pl incurred in adjudication – a sum of an additional 1,420 shekels.

.....  
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**Lillian bat Fortune**

**Yafa bat Rachel Yente**

**Eliezer Yosef ben Chana Liba**

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