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HEMDAT YAMIM

Parashat HaShavua

Chukat, 23 Tamuz 5778

Being Above, Not Below

Harav Yosef Carmel

We have discussed in the past Bnei Yisrael's relationship with the nation of Edom. Now we will take a look at Moav's relationship with Edom, as portrayed by Amos: "For the three sins of Moav, and for the fourth I will not let them be – on the fact that they burned the bones of the King of Edom into lime" (Amos 2:1).

Edom and Moav actually share such "distinctions" as not letting Bnei Yisrael pass through their land on the way to Eretz Yisrael. Regarding Edom, this is explicit in our *parasha*, as Bnei Yisrael's polite request was met by a harsh response (Bamidbar 20:14-18). Moav's similar response is found in *Sefer Shoftim* (11:17). Yet, Amos takes Moav to task not for their treatment of Israel, but for their treatment of Edom. We will now provide some background to understand what the issues were.

In Melachim II, 3 we are told that in the aftermath of King Achav's fall at the hands of the Aramim, the Moavim stopped paying taxes to the Kingdom of Israel. Yehoram, Achav's son, a cousin of Yehoshafat, King of Yehuda, went to battle against Moav, and Yehoshafat enlisted his vassal, the King of Edom. The last battle of this war took place by the walls of the capital city of Moav, Kir, which was besieged by Israel, Yehuda, and Edom. The King of Moav tried to break the siege by attacking its weakest link, Edom. "He took 700 men with swords to break through to the King of Edom, and they were not able to" (ibid. 26).

Then, it says: "He took his firstborn son, who was to rule after him, and brought him as a sacrifice on the wall" (ibid. 27). The Radak explains that the King of Moav was able to get hold of the son of the King of Edom and, as revenge, killed the son of the King of Edom. As a result, in anger, the King of Edom left the battle, and the kings of Israel and Yehuda were not successful, as the *pasuk* says: "There was great anger on Israel and they traveled away from him and returned to the Land" (ibid.). This, of course, explains the sin that Moav carried out against Edom.

Chazal explained differently. In his despair, the King of Moav sacrificed his own son in the form of the *avoda zara* of *Molech*. This caused great anger against Bnei Yisrael in the Heaven, which is what broke up the coalition against Moav. The logic behind Hashem's anger is that Bnei Yisrael chose to learn the abominations of the nations around them (such as *Molech*), as opposed to learning from some of their better practices (see Yalkut Shimoni, Melachim II 226).

Israel can be like the stars of the heaven and reach the highest spiritual levels. However, at times, we deteriorate to such a low level as to be leaders in deficiency. Any idol worship is lowly, but slaughtering children to the idol is lowly among lowly. When the Moavites reached that low level and slaughtered their crown prince, all the Jewish children who had been slaughtered under similar circumstances to the *Molech* formed a "panel of critics" against the kings' effort and caused its failure.

Let us pray that we will be like the stars, whether numerically or qualitatively/spiritually.

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



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Ask the Rabbi

by Rav Daniel Mann

Ushering in an *Avel* after Sunset of Shabbat

Question: You wrote in Bemareh Habazak (IX:94) that an *avel* may enter *shul* once *sheki'a* (sunset) has passed, even before the end of *Kabbalat Shabbat*. Should we say that, similarly after *sheki'a*, the *shul* should not “welcome” an *avel* by saying *Hamakom yenachem ...*?”

Answer: You may be assuming that one may not be *menachem avel* on Shabbat. The *gemara* (Shabbat 12a-b) (reluctantly) permits being *menachem avel* on Shabbat, as does the Shulchan Aruch (Orach Chayim 287:1). Since this is not the optimal time to do so (Shabbat 12b; Magen Avraham 287:1), we should not be surprised by the *minhag* to not be *menachem* on Shabbat, at least for Ashkenazim (see Gesher Hachayim 20:5:2).

The timing of an *avel's* entrance is based primarily on his ability to enter *shul* (not before Shabbat – see Tur, Yoreh Deah 393). Note a historical fact. Until relatively recently, *Ma'ariv* of Shabbat in *shul* was done during daytime, so that the community accepted Shabbat early with the saying of *Barchu* (see Rama, Orach Chayim 253:2, as one of many sources). The custom developed to recite *Mizmor Shir L'yom HaShabbat*, which became the acceptance of Shabbat (Shulchan Aruch, OC 261:4). Between *Lecha Dodi* and *Mizmor Shir* became the perfect time for the *avel* to come in. People could be *menachem* freely because it was still Friday, and he could enter as it would immediately be Shabbat, when his presence in *shul* became appropriate. As we pointed out in Bemareh Habazak, if Shabbat began before the community accepted Shabbat, it is also permitted for him to go into *shul*. Your question is a good one. Does it become forbidden to say *Hamakom yenachem ...*?

One could argue that it is still permitted, as we saw that it is permitted to be *menachem* on Shabbat, despite the *minhag* not to do so. Since the custom is to welcome the *avel* at that point in *davening*, we would follow the *halacha* that it is permitted. However, the Pri Megadim (Mishbetzot Zahav 287:1) says that once the community has said *Mizmor Shir*, they may no longer announce “to go out to welcome the mourner” (it was apparently more elaborate than today) because it is a public display of mourning (this is not obvious assertion), which is forbidden (see Shulchan Aruch, YD 400:1). He allows individuals to go over and express consolations, but not the *shul* and not with the standard weekday formula. The Mishna Berura (287:3) states that some authorities permit regular language.

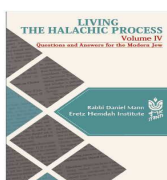
Thus, the purist will logically agree with you that after *sheki'a*, the *shul* should not say *Hamakom yenachem*. We could compromise and say that during *bein hashemashot* (doubt whether it is day or night), one can be lenient and allow the marginally problematic group consolation. (In Bemareh Habazak we allowed Shabbat leniency from *sheki'a* because we are lenient on matters of *aveilut* (Moed Katan 18a).) However, the *minhag* seems to allow welcoming the mourner even after *tzeit hakochavim* (nightfall). In theory, we can say the *minhag* is a mistake, by not updating the practice after the timing changed.

However, it is possible (and preferable) to uphold the *minhag* for two reasons. On a matter that is not overly serious halachically, we uphold *minhagim* even when they appear to be “wrong.” Sometimes we also do not know the wisdom behind the *minhag*. Let us suggest a possible fundamental justification, while not being sure that it is a correct explanation. The Pri Megadim is talking about a case where the community consciously accepted Shabbat with *Mizmor Shir*. As such, public *aveilut* behavior is inappropriate. However, when the community has not yet accepted Shabbat with their behavior, it is not forbidden to welcome the *avel*. While each individual is not allowed to violate Shabbat because the time of Shabbat has come, consoling the mourner is not a violation (see above). If just the public nature of the practice is the problem, sensitivity to that may begin only with *Mizmor Shir* even the time of Shabbat came earlier. In any case, we will uphold the *minhag* of our *shuls*, many or most of which still welcome mourners before *Mizmor Shir* despite your good question.

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Ein Ayah

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

The Advantages of Listening

(condensed from Ein Ayah, Shabbat 6:63)

Gemara: Two Torah scholars who listen to each other in discussion of Halacha, Hashem hears their voices, as it says: “She who sits in gardens, friends listen to your voice, let me hear” (Shir Hashirim 8:13). If they do not listen, they cause the Divine Presence to abandon Israel, as it says: “Escape, by beloved...” (ibid. 14).

Ein Ayah: Hashem reveals his world leadership through listening to the approaches of the mind. Although a person has a certain, even unchangeable, way of thinking he still must listen to another’s approach and realize that it also has credence. Then his counterpart’s approach will make his way of thinking more fruitful. This is normal when intellectual approaches interact.

Divine listening is connected to internal emotion, which is sensitive to Hashem’s holy, pure “whispers.” This is actualized when one prepares himself morally by having the thoughts of others resonate positively in him, even though they are very different from his own.

Similarly, the divine light which allows leadership to succeed emerges from the listening of a potential leader to his friend. Whether he accepts or rejects the idea, the process still has a good effect on everyone’s special logic, making him fit for leadership. This is in line with the divine order, which covers both the spiritual and physical realms of life, according to all its different details. The approach to leadership of one who properly weighed all available reasonable approaches is aligned with the divine approach. This is not true when one wants to give exclusivity to his personal way of thinking; individual spiritual approaches do not fit divine plans, which fit the minds of each person in the nation. These emerge in their own way from the divine light in its midst. Therefore, one who ignores others’ thinking causes the Divine Presence to abandon Israel.

Building Knowledge from Partial Sources

(condensed from Ein Ayah, Shabbat 6:64)

Gemara: Hashem loves rabbinical students who supplement each other’s knowledge of Halacha. This is only if they have basic knowledge of the teachings in advance and if there is no available teacher from whom to learn.

Ein Ayah: Spiritual “sprouts” grow with the spirit as it seeks hidden truths. They expand one’s spiritual, intellectual, and emotional spirit. The “sprouts” must be based on the Torah of truth.

Hashem arranges matters so that when intellectual “buds” spread out in different directions, the simple truth may disappear so that the intellect can experience a thirst to search for truth in different places. That is why rabbinical students may find themselves without the simple truth that a teacher could give them. They must then join together and use the perspectives that they have to search for it. This is good even if they need to stray somewhat from the point of the truth.

They become elevated in the process, and divine love that grows according to a soul’s spiritual level will be revealed in its full grandeur. However, this can work only when they stand on a frame of Halacha and their search is to expand the details. Then, although the path is complicated, the search for truth is able to light it up. When no teacher is available, the desire for truth and a strong basis straighten the straying path of the light. However, if a reliable source can directly provide truth, then one who ignores it is missing a basic building block of a proper search. A person who prefers a less reliable path does not sufficiently care about the truth.

Responsibility for a Collision

(based on ruling 70065 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The cars of the plaintiff (=pl) and the defendant (=def) collided on a narrow road, with the back of def's car breaking one of pl's headlights and sustaining its own damage. According to pl and his son, who was driving under his father's tutelage, they were on the correct side of the dividing line, and def was just over it. Def admits that he had been over the line but corrected it and was able to see from his rear-view mirror, at the moment of impact, that the collision happened on the line. At the time of the event, def agreed to pay for pl's damage, to settle the matter amicably despite his lack of culpability. When pl told him that the estimate was for 2400 shekels, he refused to pay any more than 300 shekels. Def argues that since pl continued the suit, he will make a claim on the damage to his car.

Ruling: Neither side has hard evidence that their account is more accurate. Does def's original willingness to pay obligate him? Def never admitted culpability. His assertion of willingness to pay without a *kinyan* to that effect is not binding, just as a pledge to give a present is not (see Choshen Mishpat 40 and 60). While it is proper to keep one's pledge, it is not binding. Furthermore, the pledge should not apply if he claims reasonably that he only agreed when he thought the amount was much less.

Even the pledge in front of *beit din* to pay 300 shekels is not binding. While the Nimukei Yosef says that a concession in front of *beit din* to certain rules of adjudication is binding without a *kinyan*, the Shach (CM 22:1) rules that a *kinyan* is required.

Although there is no evidence, since the arbitration agreement empowers *beit din* to rule according to compromise, *beit din* can incorporate incomplete proofs and indications. Def admits that he was over the line soon before the accident, whereas pl and his son are adamant that they were in lane the whole time. It is possible to get back into lane. However, after visiting the accident site, *beit din* notes the following. Def was in the middle of a curve in the road, which made it difficult to correct his position. His ability to see pl's car in advance was much less than pl's ability to see def's. It is also very difficult to imagine def being able to see clearly from his rear-view mirror at the moment of the collision.

Furthermore, def's willingness, at the accident scene, to pay is a reasonably strong indication that he realized he was at fault. Considering that damage to his car was greater, it does not make sense that he should be so forthcoming. Also, the fact that only now def is asking for damages to his car implies that there was either an admission of sorts of his responsibility or *mechilla* of his right to claim damages from pl. Based on all the above, we hold def responsible to pay. On the other hand, def does not have to pay the full claim. First of all, the estimate pl brought is too high; also, he only has a right to a used headlight, like the one that was destroyed. Finally, since the decision is based on partial evidence and on compromise, we award him only 80% of the payment otherwise due. In total, def owes pl 688 shekels.

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