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Founder and President

HEMDAT YAMIM

Parashat HaShavua

R'ei, 30 Av 5778

“Today – a Blessing and a Curse”

Harav Shaul Yisraeli – based on Siach Shaul, p. 505-6

“See, I am placing before you **today** a blessing and a curse” (Devarim 11:26). On the one hand, even today, despite the past, whatever will be, there is a blessing before you. Even if in the past there was heavy fog and yesterday was gloomy, do not give up.

On the other hand, even if you succeeded yesterday and you climbed rung after rung on the ladder of becoming a complete human being, you should not fall asleep on your watch. Do not rely on the beat to keep playing. Do not be satisfied by the past, as wonderful as it may have been, because today there is a curse standing there before you.

How does one measure blessing and curses? Is it based on what one sees during his lifetime, whether it be 70 or 80 years? That is hard to claim, because Hashem has His ways of running the world. There are times that one goes through a rough but worthwhile cleansing of his sins. There are all sorts of forms through which one is punished for his actions. This is thus not the way to measure true blessing and curses. It is as it says in the Sifrei (R'ei 53) about our question: There is a parable of two paths. One has thorns in the beginning and is straight and clear at the end. The other is the opposite. Since life is eternal, the years of life that we see in this world, are like the equivalent of two or three days. On any given day, one could experience this path or that path or both.

There is an old disagreement among philosophers. Some look at the world and see everything in rosy colors; they also see man as a being who is naturally all good. They claim that if we would allow a person to develop according to his natural characteristics, the perfect person would emerge. The whole tragedy of our imperfect world is that the conditions of life get a person used to doing bad things.

There is another outlook that is diametrically opposed. “The nature of a person’s heart is bad from his youth”; “There is no one who does good.” Such observers always push themselves to find that which is negative.

The Torah goes in the middle between these outlooks. It views man as harboring both elements within his midst. Whether he clasps onto good or evil is for him to choose. True, the Torah does say “The nature of a person’s heart is bad from his youth” (Bereishit 8:21). But it also says that “man was created in the image of Hashem” (ibid. 9:6). Therefore, we never give up on a person. We believe that he has great moral and spiritual powers. “Today, there is blessing.” On the other hand, we are always suspicious of a person’s prospects and must always be morally vigilant – “Do not believe in yourself until the day that you die” (Avot 2:4).

Between these two extremes, good and bad, a person’s life is a perpetual battle to maintain his level. He needs to see this and know this ... and come to the right conclusions.

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Ask the Rabbi

by Rav Daniel Mann

Lateral Position of *Tefillin Shel Rosh* – part II

Question: Must the *tefillin shel rosh* be exactly in the middle of the head, to the extent that some people spend several seconds fixing it in front of a mirror?

Answer: [We saw a *machloket* whether the middle is a line on or (more likely) an area of the head. We will now search for the area's width/borders.]

The *gemara* (Eiruvin 95b) provides a clue. The *halacha* that one who is saving *tefillin*, found on Shabbat in a place where one may not carry, wears two pairs at a time, is because there is room on the head to wear two *tefillin* in a halachic manner. How big is this area on the head?

Important sources, both early (see *midrash*, cited by Tosafot, ad loc.) and more recent (see Bi'ur Halacha to 32:41), indicate that the standard size of *tefillin* is 2 *etzbaot* (4 cm. according to Rav Chaim Naeh). It is unclear (see Divrei Yoel *ibid.*) as to whether this includes the *ma'avarta* (through which the *retzuot* go); we will assume not. Thus, the area, from hairline going back is at least 8 cm. Most *poskim* assume that if you can put two normal size *tefillin*, you can also put one big *tefillin* up to their combined size (see Bi'ur Halacha *ibid.*, Divrei Yoel *ibid.*). Therefore, we can dismiss what a fringe source claims – that the *tefillin* must fit in within the space in between (not including) the eyes, which is approximately 3 cm. width. According to this, some 95% of today's *tefillin* (as well as *Chaza'l's*) are unusable.

In a widely quoted *teshuva*, the Divrei Chayim (OC II:6) reacted with disdain to the then new idea of using a mirror to get the *tefillin* centered exactly. He argues that *tefillin* can be off-center, as there is room for two *tefillin* also laterally. (Some ask that if he is right, why couldn't the *gemara* (*ibid.*) allow bringing 4 (2*2) *tefillin* in at a time.) The Tzitz Eliezer (XII:6) agrees with the Divrei Chayim but says that it is best to have the *tefillin* quite centered, and that the latter objected only to use of a mirror. In the past, men were prohibited to use a mirror, as it was a feminine activity (Shulchan Aruch, Yoreh Deah 156:2), without real need.

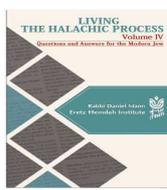
If the middle refers to an area and it cannot be limited to the area in between the eyes, what is it? The Magen Giborim (Shiltei Giborim 27:6) suggests that the entire top of the head is okay, as it is parallel to the placement on the arm, but this does not fit well with the language of the Rambam and Shulchan Aruch. If the Beit Yosef is correct, that the *bayit* is learned from the knot, Rashi by the knot seems to say that anywhere opposite the *oref* is fine; extending that to the front of the head, this would be most but not all of the width of the top of the head. You get a similar width by taking "between the eyes" literally, but including the width of the eyes. Measuring from the center of one eye to the other gives 6.4 cm. for the average person (# courtesy of my optometrist), which works out reasonably if the 4 *etzbaot* (see above) includes the *ma'avarta*, which does not exist on the sides.

Perhaps "between your eyes" is not literal but teaches the general area, in the middle of the head. From there one is to follow normal guidelines – the Torah was not given to angels and does not want us to be OCD. For the average *tefillin*, that requires them to be approximately centered (no mirror required, just as people don't use for the knot). If we take the permitted area from front-back and turn it into a square, we also aim for the center but have reasonable leeway with normal-sized *tefillin*. The same is true if any part of the *tefillin's* width needs to be over the exact middle. All these possibilities are consistent with the mainstream approach, including the Tzitz Eliezer (above). Middle – apparently; precise – NO.

In summary only fringe opinions make exactness/mirror necessary for centering *tefillin shel rosh*. But given that opinions exist and centering is probably laudable, using a mirror is not something to criticize (it is not less important than centering a tie). One who is very careful about centering and lax on how low the *tefillin* go is misguided.

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





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Ein Ayah

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

The Respectable Connected to the Unightly

(condensed from Ein Ayah, Shabbat 6:79)

Gemara: Why [in the description of the spoils of the war against Midian] does it mention the jewelry that is worn on the external parts of the body along with the jewelry that is worn on the body's covered parts? It is to teach you that whoever stares at a woman's small finger is as if he stares at her most private parts.

Ein Ayah: Evil and unsightly things, from an ethical perspective, can come among living people only when they are enveloped by external beauty. Beauty is innately respectable, and it makes a positive impact internally on the spirit, which "expands" in the face of the feeling of clear, clean delicateness that it contains. However, if the beauty envelops something that is ethically disgusting, in relation to the person looking at it, then the beauty itself is destructive.

It is not just that the beauty is liable to serve as a trap for the beholder (i.e., cause him to sin), to capture the one who is beguiled by it within the internal unsightly matter. Rather, the impression that this beauty that envelops something disgusting is itself bad, as it is in any case of prohibited gazing. As such, it weakens the healthy foundation of the stable morality of the purity of the spirit. This is because the beauty draws one internally to it as something that is specially connected to the morally disgusting matter. The spiritual weakness that it creates puts a person at ease with the feeling related to horrible sins because the attractive nature of the beauty covers the unsightliness. Even if the beholder's spirit has not deteriorated to the point that it is drawn into the trap of disgustingness and sin [to act upon it], still the filth that weakens a life of purity certainly makes a mark with the help of the feeling of the external beauty. For this reason, the jewelry of the outside is connected to the jewelry on the inside.

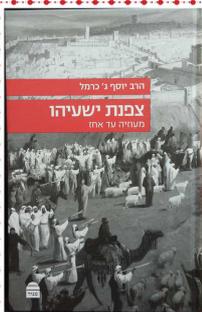
Negative Impact on the Community Impacts on the Individual

(condensed from Ein Ayah, Shabbat 6:80)

Gemara: Whenever the Rabbis said that something is forbidden because of *marit ayin* (it looks to others as if he is doing something forbidden), it is forbidden to do so even in a room within another room [and no one is present].

Ein Ayah: All of existence, with all the events that transpire, joins together with clear thought to form one unit. The individual and the community act upon and are impacted by each other in their natural lives and their moral lives.

Actions that when they are visible to others can damage the life of morality, purity, and sanctity already have imbedded in them venom that poisons a person's morality and completeness. This includes actions whose only negative element is that when the public sees them, people see it as a sin, in a manner that we call *marit ayin*. [Even when the public has actually not seen it,] it still has a negative impact on the person who acted in that manner as if it already was seen and misunderstood by others. Since this negative spirituality is connected to the action itself, it is correct to forbid it even if it is done in a room that is inside another room.



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

Expenses of Using Hotza'ah Lapo'al

(based on ruling 70055 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The plaintiff (=pl) sublet an office from the defendant (=def) with a detailed contract. At the top of the contract, it was written: "Rental agreement – this agreement was done based on a relationship of friendship and therefore includes no clauses about breach of contract and remedies." Over time, pl fell behind in rental payments by around 8,000 shekels. Def asked for payment many times; there is a dispute whether a repayment schedule was made. After pl ignored a lawyer's letter demanding payment, def sued for payment at *Hotza'ah Lapo'al* (=HLP, an arm of the Israeli government that carries out payment from recalcitrant debtors). As a result, pl has paid, but HLP made him pay 2,359 shekels more than the actual debt, due to different charges. Pl is suing def to compensate for those charges because def went to HLP instead of to *beit din*. Pl also claims the contract is not enforceable because it says that there are no remedies because the sides are friends. Def responds that a rabbi told him that it is not necessary to adjudicate in *beit din* or get their permission to go to HLP when there is agreement on the amount of money that is due.

Ruling: First, despite the opening to the contract, it is not reasonable that a detailed financial agreement cannot be enforced at any point. All the clause means is that penalties and remedies will not be spelled out because it is not expected for friends to reach such a point.

[It is true that we consider going to Israeli secular court like going to non-Jewish courts because they follow other systems of law rather than Halacha.] However, there are many halachic sources about going to non-Jewish courts to enforce clear obligations. [The ruling surveys many such sources; we will not get into detail and will just mention the issues.] Generally, the problem of going to non-Jewish courts is in preferring their rules of justice (see Beit Yosef, Choshen Mishpat 26), which does not apply when one goes to enforce payment of a debt that is not in dispute.

Some have claimed that the courts do not follow the Torah rules of how to extract payment (see Shulchan Aruch, CM 97). However, HLP is actually more lenient on the debtor than Halacha requires. If pl claims that he does not have the money to pay, in our times, HLP has tools at its disposal that *beit din* lacks to make such a determination. Thus, the policy of most *poskim* is that one may go to HLP to extract payment that has been ruled on by *beit din* or when the claim's veracity is not in question, and this is Eretz Hemdah-Gazit's stated policy. There is some question as to whether one is required to get permission from a *beit din*, but the consensus on this point is also to be lenient if there is no dispute on content.

Therefore, *beit din* does not find fault in def's actions, and not only is he exempt from paying for pl's expenses but deserves a return of lawyer's fee involved in his collection effort.

.....
We daven for a complete and speedy *refuah* for:
Meira bat Esther Rivka Reena bat Gruna Natna
David Chaim ben Rassa Lillian bat Fortune
Yafa bat Rachel Yente Eliezer Yosef ben Chana Liba
Ro'i Moshe Elchanan ben Gina Devra
Together with all *cholei* Yisrael
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