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# HEMDAT YAMIM

## Parashat HaShavua

Miketz, 30 Kislev 5779

### Water to Extinguish the Flame

Harav Yosef Carmel

Last week we saw that Yosef, before telling its details, told his brothers that he had a dream. This was meant to convey that he was divinely chosen to be the prophet/leader and that this was done to try to put their acrimony to rest. We also posited that, with the content of the dream, Yosef reassured them that even though he would be the continuation of the forefathers, they would still have a positive role to play, which had not happened in previous generations.

Let us look at elements of the *p'sukim* for hints at this idea. When the Torah describes that Yosef told his brothers that he had a dream, without getting into details, it uses the word "vayaged" (he told). When he relates the details, it says "*vayomer aleihem*" (he said to them). Rashi (Shemot 19:3) teaches that the former verb is the one used for harsh statements, whereas the latter is used when one wants to give off a feeling of softness. Furthermore, Yosef used the polite helping verb of "na" to introduce his description of the dream.

Regarding the dream itself, the brothers were tying sheaves together. Tying is a hint at unity and connection. They were also doing it in one field together. Furthermore, Yosef's sheaf is described as "*nitzava*" (standing erect). This verb is one that is always used in the context of a revelation of the Divine Presence (see, among many examples, Bereishit 18:1-2, when Hashem was visiting Avraham; and *ibid.* 28:12 with the angels in Yaakov's famous dream). This was Yosef's way of expressing that everything that was going on was the Divine Will and not of his choosing. The brothers were not impressed, responding: "Will you be a king over us or will you have dominion over us? They continued to hate him due to his dreams and his words."

Next week we will discuss why Yosef's dream was referred to at this point in the plural, if up to this point, there had only been one dream. Let us pray that by the light of the Chanuka candles, brotherhood will increase between all elements of the nation.

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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

## Interruptions during Hallel

**Question:** Is it and/or under what conditions is it permitted to interrupt Hallel for matters of some importance?

**Answer:** The *mishna* (Berachot 13a) cites two opinions about when it is permitted to greet people during *Kri'at Shema* and its *berachot*. The factors are: whether the speaking is in the midst of a *beracha* or section of *Kri'at Shema* or between units; how important is the person one is greeting; whether one initiates or responds. The Shulchan Aruch (Orach Chayim 66:1) rules that between units, one may initiate greetings to any respected person and respond to anyone. Within units, one can only initiate to one's father, *rebbe*, or a great scholar, as well as someone who can cause him harm; he can respond to anyone who is respected. Responding to *Kaddish*, *Kedusha*, and *Barchu* is important enough to do even in the midst of a unit (ibid. 3).

The *gemara* (Berachot 14a) inquires whether one may be as lenient regarding when he may speak during Hallel as during *Kri'at Shema*. It considers that on the one hand, *Kri'at Shema* may be more stringent because the *mitzva* to recite it is a Torah law. On the other hand, Hallel might be more severe, since it is an act of publicizing Hashem's greatness. The *gemara* posits that Hallel is not more severe. The *gemara* then distinguishes between days in which "Full Hallel" is recited (e.g., Yom Tov, Chanuka), in which case one may interrupt only in between units, and days in which "Half Hallel" is recited (Rosh Chodesh, Chol Hamoed Pesach), in which case one may interrupt even within a unit. (Hallel's units are the *mizmorim* which constitute it; these correspond to the "chapter numbers" that are usually used.)

Sephardim have a clear reason to distinguish between the two types of Hallel recitations: Full Hallel has *berachot* before and after it, which Half Hallel lacks (Shulchan Aruch, OC 422:2). The juxtaposition between *berachot* makes it problematic to talk (see Tosafot, Berachot 14a). However, even Ashkenazim, who make *berachot* before and after both types of Hallel, accept the above distinction. Rashi (ad loc.) explains that only on the days of Full Hallel is there a real obligation to recite; when there is no obligation, interruptions are less problematic.

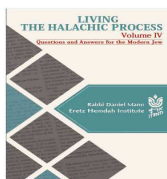
We cannot go through all the permutations that can arise, but we will address some. The basic difference is that the same respected person whom one may greet only between the units of *Kri'at Shema* (Shulchan Aruch, OC 66:1), one may greet during Half Hallel even in the midst of *mizmorim* (ibid. 422:4).

Nowadays, most people do not view the need to greet others as seriously as *Chazal* did. Therefore, the *poskim* have assumed for quite some time that it is no longer appropriate to greet others during *Kri'at Shema* (Mishna Berura 66:2). Since one cannot speak at any time during Hallel without a special reason (Shulchan Aruch, OC 422:4), the same is true for Hallel, and we do not greet people even during Half Hallel (Dirshu, 422:25). What remains permitted to talk about is mainly matters of *mitzva* that need to be recited, and we will give a few examples. Answering *Kaddish*, *Kedusha*, and *Barchu* can be done even in the middle of a unit of *Kri'at Shema* (Shulchan Aruch, OC 66:3) and therefore certainly during Hallel. Regarding one who is called up to the Torah when he is still in *Kri'at Shema*, there are several opinions (see Shulchan Aruch, OC 66:4), but the standard one is that he does go up but should try to make it to a unit break before he starts the *aliya* (Mishna Berura 66:26; see details of how to handle the *aliya*). If this was during a Half Hallel, it would not be necessary to make it to a unit break. If one has to go to the bathroom, he should not recite *Asher Yatzar* until after *Shemoneh Esrei* (Mishna Berura 66:23) and in this case after Hallel because it can wait. The *poskim* dispute whether one may recite the *beracha* on thunder because it cannot be done later, and the more accepted opinion is to do so only if it is between units of *Kri'at Shema* (Mishna Berura 66:19). During Half Hallel, it would be permitted at any point.

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# Ein Ayah

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

## The Light Brings Up the Rear

(condensed from Ein Ayah, Shabbat 8:9)

**Gemara:** Why do the goats walk at the front of the flock and are then followed by the sheep? Rav Yehuda answered: It is like the normal pattern in the world: first come the darker matters (most goats have black hair), which is followed by the lighter matters (most sheep are white haired).

**Ein Ayah:** The life of a shepherd brings one to healthy intellectual contemplation, in which one looks inward, and in a real, not artificial, manner. A shepherd's life contains a lot of partnership with nature. It also does not include the type of back-breaking toil of working the land, which connects one more strongly to the material element of agriculture. That is the reason that our forefathers, who were mankind's greatest thinkers, were shepherds.

The path of elevating one's thought process always starts with unclear ideas. Out of their foggy characteristics comes only a great cloud of imagination. However, within the "cloud," there are great treasures, which become ever clearer, bringing light from within the darkness.

The standard status of the animals of a flock follows the pattern of human thought. If not for our ancestral shepherds, we would not have any clear thoughts. If not for the foggy thoughts, which always fill the human mind in the beginning, we would not be able to reach the eventual light that comes. Rather, first comes the set of hurried thought, which is represented by the dark-haired goats, which run forward in disarray. They precede the "orderly" group of white sheep, which represent the light.

This is the model that the shepherd sees in the flock, to which his life is dedicated. First he sees the unclear part of his group of thoughts, followed later by the discarding of the dark ideas, as from them the clear ideas emerge. This is the only way to get to more logical ideas, which become the basis for all elements of his moral life. This is the natural life. One should never give up on the life of imagination that rules over us because the light shines through it.

## Hide When You Contribute

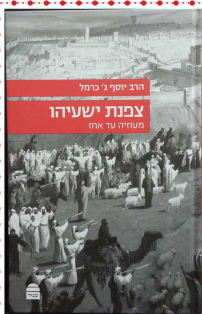
(condensed from Ein Ayah, Shabbat 8:10)

**Gemara:** Why is the tail of the goat uncovered and the tail of the sheep covered? Those whose hair is used to cover us, have their tail covered. Those which we do not use to cover us, are uncovered.

**Ein Ayah:** A shepherd, one who has the opportunity to elevate his thoughts like the biblical Hevel, should look at the property he has extracted from animals. First, he should look at the ethical element of his shepherding. He has a flock of sheep that he uses to cover the nakedness of mankind.

The instinct to cover himself is part of man's creation, and Hashem provides him with the ability to keep himself in that form. The *gemara* mentions that the benefit that one species receives from another should be returned to the one who gave. Indeed all of creation is intermingled so that the lot of all of creation is often advanced as a whole. There need not be war in between the species but a relationship of strength and peace.

Only those whom we do not use their hair to cover (the goat, whose hair is used for sackcloth, which is beneath our dignity to wear) because we are on a higher spiritual level, come with a sign that they do not contribute as fully to mankind. This sign is put in the animals who overall provide wealth for man, sheep and goats, who are called *ashtarot* (see Devarim 7:13), which hints that they make their owner rich (*ashir*).



### 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

## Unlivable Apartment? – part I

(based on ruling 76116 of the Eretz Hemdah-Gazit Rabbinical Courts)

**Case:** The plaintiff (=pl) rented out a new apartment, which was half of a larger apartment that was split up, to the defendants (=def), a new couple. They signed, a few weeks before the rental was to begin, a contract, which set the price at 1,900 shekels a month and provides for continued payment of rent and *arnona* even if *def* stop living in the apartment. The day before the beginning of the rental, *def* visited the apartment with her father and was distressed to learn that she was able to hear the conversations of workers in the adjoining unit. *Def* immediately decided to void the rental. *Pl* is suing for payment for the time that the apartment went unrented (renters came in only after four months). *Def* counter that the apartment is unlivable. Since they were not aware of the problem, the agreement was a *mekach taut* (agreement based on misinformation) according to Halacha and according to the Law of Contracts, which was referenced in the contract. *Def* are countersuing for 14,043 shekels for expenses made necessary in cancelling the rental and finding another one at the last minute, which is more expensive and worth less than the one in question, not including the unknown privacy issue. They also argue that the agreement to pay rent until the end of the year is a penalty clause of a one-sided contract that took advantage of an inexperienced young couple, and it is therefore not binding. *Pl* adds that they offered to do additional soundproofing at their own expense.

**Ruling:** The type of blemish that allows nullifying a binding agreement has to be one that is accepted among people in the country to be of such a degree. We understand that there are many apartments in Israel which do not have good sound insulation, including whole neighborhoods in Jerusalem. Therefore, *def* would need to prove that the situation in this apartment is worse than that large minority of apartments that are considered functional.

More importantly, even if the sound problem is severe enough, *pl*'s offer to do necessary soundproofing precludes *def*'s ability to back out. The Shulchan Aruch (Choshen Mishpat 232:5) rules that if the walls of a house that was sold are in disrepair, the seller can fix them rather than allow the buyer to void the sale. The Rosh, upon whom the Shulchan Aruch is based, only requires that the house is called a house when it was sold. The Rama (ad loc.) rules that the ability to fix the blemish applies only when the deficiency comes from an external source. However, when the problem is in something internal, such as unstable walls, the willingness to fix them is not a solution, because we consider the repaired house as a new entity, which is not the one that was sold. According to either formulation, problems with sound privacy are not considered ones that change the "name" of the apartment and the problems they cause are only external.

*Next time we will deal with def's claim that they could not allow fixing the walls.*

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