



HaRav Shaul Israeli zt"l
Founder and President

HEMDAT YAMIM

Parashat HaShavua

Masei, 2 Av 5779

Their Origins and their Journeys, by Hashem's Word

Harav Shaul Yisraeli – Adapted from Siach Shaul, p. 466-468

We read about the journeys from one encampment to another on the way to *Eretz Yisrael*, and it mainly consists of names of places. These names contain history, and the basic premise behind them is “based on the word of Hashem” (Bamidbar 33:2). As Bnei Yisrael were about to enter the Land, it was worthwhile to review the whole past, to teach that even when we enter the Land, we need to hold on to lessons from the past in order to know how to live our lives in the future.

The *parasha* also includes a warning: “Do not contaminate the Land ... that I dwell in, for I am Hashem Who dwells in the midst of Bnei Yisrael” (ibid. 35:34). Rashi learns: “Even when they are impure, the Divine Presence is among them.” The Ktav Sofer explains that the heart of a Jew is always complete. The impurity is just the doing of the evil inclination, and therefore one should avoid defiling the *Mishkan* in which Hashem's presence will always be dwelling. Every link in the chain of Jewish history is full of sacrifice, with every Jewish child being inculcated with sanctity and purity, and this passes throughout the national journey.

Let us look back at the journeys of the generations that preceded us, at the prominent rabbis who led the communities of our family origins. The spiritual power of these great men was not about their abilities but in the fact that what they did was “based on the word of Hashem.” There were shadows and not only light, but it was based on Hashem's word. When we came to Israel, it was with the strength we received from these leaders and from the holy communities. Whether we want it to be so or not, this heritage is part of us. We must not give up our honor and replace it with something that is of no value.

We finished the *parasha* and *sefer* with “*Chazak chazak*.” We need double strengthening. We certainly need physical strength, to return the valor of Israel. But this is conditional on spiritual strength. If one has just physical strength, it can cause pitfalls. Bar Kochva felt that he did not need Hashem's help because of his strength (Yerushalmi Ta'anit 4:5), and he was vanquished. The power of Moshe and Aharon was rooted in Hashem's word; they were not proud of their natural strength, including in the intellectual/leadership realm. They relied totally on the strength of Hashem.

Nowadays we have the impression that what we gain on the battlefields, we lose as a result of an internal struggle. We find Chovot Halevavot (5:5) relating to a pious man telling a military unit returning from a successful battle: “You have come from a small war, and you did not yet go out to the big war (against the evil inclination).”

Let us indeed be strong. But we will all be strengthened when we see the young generation knowing how to sometimes not follow the waves of the time because it does not keep us on our traditional path. We want to see our children sanctifying Hashem's Name and glorifying the honor of His kingdom.

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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

Trips during the Nine Days

Question: I run a camp for children under bar mitzva during a period that includes the Nine Days. We usually take them on trips off campus once a week. Is it permitted to do so during the Nine Days?

Answer: We will address the two main issues regarding activities during the Nine Days and/or the Three Weeks: danger and too much *simcha*.

Danger: The *midrash* (Eicha Rabba 1:29) relates the *pasuk* "All her pursuers caught up with her between the walls" (Eicha 1:3) to the dangers lurking for Jews during the Three Weeks. One of the examples, which the Shulchan Aruch (Orach Chayim 451:18) codifies, is going out alone (at certain times of day). It is hard to apply this concern practically. Since safety should always concern us, what should we add? Generally speaking, certain water activities, e.g., a beach or canoeing, are candidates of things to avoid during the Three Weeks. (We are not dealing with issues of swimming for Ashkenazim throughout the Nine Days, which requires its own discussion – see Rama, OC 551:16.)

Simcha: The *mishna* (Ta'anit 26b) states that we limit enjoyment from the beginning of the month of Av. Details of what this might entail are scattered throughout Talmudic and post-Talmudic rulings and *minhagim*. The Shulchan Aruch does not mention trips; the Rama (OC 553:1) opposes *tiyulim* on *Erev Tisha B'Av*, implying that it is permitted before that. However, the Rama apparently refers to strolling in simple places, not going to tourist attractions, which barely existed in his time. On the other hand, since nowadays people (especially children on vacation) regularly partake in recreational activities that did not exist hundreds of years ago, we would not forbid every moderately enjoyable activity during the Nine Days.

Given the above, it is not surprising that some *sefarim*, including Torat Hamoadim (R. David Yosef) mention a prohibition on *tiyul* only on *Erev Tisha B'Av*. On the other extreme, some cite Rav Chaim Palagi's (Masa Chaim 4:3) statement that it was decided to not go to gardens, orchards and the coast throughout the Three Weeks. The common approach among contemporary *poskim* is to forbid (or at least discourage) significant vacationing specifically during the Nine Days. We would put it this way – these days are not the time for the type of recreational activities that one rarely partakes in (see Aseh Lecha Rav II:35; P'ninei Halacha, Zemanim 8:6).

Do these *halachot* apply to children under bar mitzva but old enough to understand the basics of practices of mourning? Children under bar mitzva are not obligated in the laws of mourning for relatives (Shulchan Aruch, Yoreh Deah 396:3). Yet, the Shulchan Aruch (OC 551:14) says that we do not cut the hair or launder children's clothes before Tisha B'Av, and the Magen Avraham (ad loc. 38) explains that children of *chinuch* age are obligated in pre-Tisha B'Av mourning. To reconcile the sources, he posits that we are stricter about communal mourning (see also Igrot Moshe, YD I, 224). The Ktav Sofer (YD 172) says that *chinuch* does not apply to personal mourning because it is an irregular situation. According to this, since we have been mourning the destruction of the *Beit Hamikdash* for millennia, this is regular mourning that applies to children (Tal Livracha II:71).

Nevertheless, age can still play a role. First, there is a *machloket* whether children are restricted throughout the Nine Days/Three Weeks or only during the week of Tisha B'Av (see Mishna Berura 551:82). Also, there is more room for leniency for children in borderline cases. More fundamentally, children need more recreation than adults, and on matters not included in a defined prohibition but of a more subjective nature (i.e., too much *simcha*), an activity might be appropriate for a child and not for an adult. Nevertheless, it is important to educate children that the Nine Days is a more solemn time, and this should play a role in the choice of activities. So, there should not be trips during the week of Tisha B'Av (not applicable this year), and good judgment should be used throughout the Nine Days.

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.)

Which Element of Shabbat Precedes Sinai?

(condensed from Ein Ayah, Shabbat 9:52)

Gemara: [Last time we saw two opinions about whether the journey from Refidim to Sinai took place on a Friday or on a Shabbat.] They disagree as to the nature of the laws of Shabbat given to Bnei Yisrael in Mara [before the giving of most of the Torah], as the *pasuk* says regarding Shabbat at Sinai: "... as Hashem, your G-d, has commanded you" (Devarim 5:12), and Rav Yehuda said in the name of Rav, "as He commanded you" in Mara. One held that they were commanded about the basic prohibitions of Shabbat but not about *techumin* (the limits of how far one may walk), and the other reasons that they were commanded even about *techumin*.

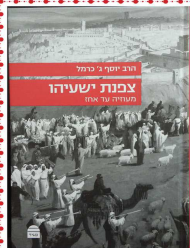
Ein Ayah: The high light that Shabbat gives off is the recognition of the divine that precedes the Creation, touches upon the Possessor of heaven and earth, and renews the world and all that is in it. Life that follows this great recognition goes well beyond a life of recognition of how the world runs in the present. In fact, the world as it exists in the present is elevated according to the degree to which it draws inspiration from the renewal, which is the foundation of the sanctity of Shabbat.

After Shabbat was given, before the rest of the Torah in Mara, and life was lived with a recognition of the Creator, Bnei Yisrael saw the world as appearing totally anew and were prepared to come to Sinai to accept the Torah. All of the many branches of the laws of Shabbat are independent mimickings and internal penetrations into the revelation of sanctity of the upper truth that completes the recognition of Hashem and the way the world relates to the divine light. The part of the spiritual experience of Shabbat that needed to precede the Torah is the basic recognition of Hashem in that light.

In contrast, the matter of *techumin* is not to deepen the light of Shabbat on man any more than was already achieved by means of the rest of the laws of Shabbat. Rather the function of *techumin* is to bolster the proper position of man and of the nation [during Shabbat]. The recognition of a person's remaining in his place, in his encampment, because the holy day is upon him, firms up the insignia of being rooted in the depth of life that emanates from the foundation of the recognition of the heritage of Shabbat.

One can then contemplate. On the one hand, the entire Torah is designed to provide a basis for this lofty status, as Israel's special sanctity comes from the idea of "to know that I am Hashem Who makes you holy" (Shemot 31:13). Therefore, there is no need for the laws of *techumin* to precede the giving of the Torah. It is enough that the light of Shabbat in general, with its great details that deepen its presence in a person's life, existed before the giving of the Torah. That is because the extending of the details of Shabbat connects Shabbat to the entirety of the laws of the Torah, to which Shabbat corresponds.

The other opinion posits that bolstering life according to the light of Shabbat was not intended as an independent matter but is a basic condition of the deep sanctity of recognizing the loftiness of Hashem as the One who renews all of the existence of the world. The same Master of the World who existed before the world was created is the same One who grants the Shabbat observer a life that is based upon the foundation of the sanctity of Shabbat. The remembrance of Shabbat, which is spread over the entire week, is a condition to realizing the immense sanctity of Hashem. Therefore, according to the second approach, the entire experience of Shabbat, including how it impacts a person's standing, as finds expression through *techumin*, also should precede the Torah.



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

A Disappointing Partnership – part III

(based on ruling 70052 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The plaintiff (=pl) was a consultant for the owner (=def3) of a company (=def2). They and two more partners decided to form a new LLC company (=def1), in America, providing the services def2 provides in Israel. The partners divided responsibilities; pl was responsible for financial planning. The principals first all worked from Israel, hiring workers for their Manhattan office. Because business was slower than expected, pl was sent with pay to run the company on site. Sales improved, but def1 remained unprofitable. Disagreements over how to proceed grew, and the other partners agreed to buy out pl's share in def1 for \$68,000. A few months later, they made def1's operations off limits to pl; now, def1 is being closed. Pl demands to receive the \$68,000 plus expenses, arguing that he worked harder than he should have (the others, especially def3, did not do their fair share) and almost succeeded in saving def1. The defendants respond that pl exaggerated his qualifications and was not capable of doing the job properly, did not work with the necessary diligence, and did not meet the earning targets. The internet site was unprofessional; he did not do the proper bookkeeping; he did not report records to the IRS, which caused a \$7,000 fine. He also damaged relationships with some clients of def2. The partners excluded pl from def1 when pl threatened to join a competitor of def2. The \$68,000 offer was never signed and was contingent on an agreement with a non-competition clause, which pl refused to sign. They also learned later about further damages done by pl. The defendants demand the return of \$304,140 of salary and expenses.

Ruling: [We have seen that there was no binding agreement to buy out pl's share and that pl cannot be blamed for the overall failure of the company. We finish off with another couple points.]

It is not clear if the company is fully closed. In any case, at this point, def1's debts definitely far exceed its value, and therefore pl's demand to be paid for his shares is rejected. On the other hand, if def1 remains solvent and someday it is worth money, pl will maintain his rights.

The defendants want to prevent pl from competing with them, especially against def2 in Israel. This can be justified in two ways. The partnership agreement precludes competition, but this is only written in regard to def1, not def2. There is some logic to preventing competition against def2 because pl worked there. The Chatam Sofer (II, 9) says that if a *shochet* trained a student and made it conditional on his not competing, it is binding, because the condition was, in essence, part of his salary. However, here def2 did not make an explicit condition. The Shevet Halevi said that even without a condition, a worker cannot take secret information that can only be received at this place of work to help competition, but skills that are available in the field in general can be used elsewhere. In our case, there are no indications that pl has secret information, especially since several years have passed since he worked for def2. Therefore, his future employment is not restricted.

We daven for a complete and speedy *refuah* for:

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Yair Menachem ben Yehudit Chana / David Chaim ben Rassa
Netanel Ilan ben Sheina Tzipora / Netanel ben Sarah Zehava
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