



HEMDAT YAMIM

Parashat Hashavua

R'ei 25 Av 5783

Harav Shaul Israeli zt"l
Founder and President

Which Is the Greater Value – Religiosity or Unity? Harav Yosef Carmel

Our *parasha* focuses on the “place that Hashem will choose” (see Devarim 12:5-11). From the time these Torah passages were given, it took a long time until the place was identified. Only in the time of King David, more than 400 years after the Exodus from Egypt, was the secret revealed that the place was Jerusalem.

When Jerusalem was chosen, not only was it elevated in standing, but all other places experienced a disqualification. This concept is referred to in Divrei Hayamim (I, 22:1): “David said: This is the House of Hashem, the Lord, and this is the altar for sacrifices for Israel.” This is to exclude other places. In fact, among the *halachot* that this impacts is that once “the place” begins operating as the center of service of Hashem, it becomes forbidden to bring sacrifices in any other place, as is spelled out in our *parasha*.

Chazal (*mishna*, Zevachim 14:4-8) spell it out as follows: “Before the *Mishkan* (Tabernacle) was erected, *bamot* (private altars) were permitted ... Once the *Mishkan* was erected, the *bamot* were forbidden... They came to Gilgal (after crossing the Jordan), *bamot* were permitted... They came to Shilo (long-time home of the *Mishkan*), the *bamot* were forbidden ... They came to Nov and Givon (after the destruction of the *Mishkan* in Shilo), the *bamot* were permitted ... They came to Jerusalem, the *bamot* were forbidden and they no longer [had the chance] of being permitted.”

Jerusalem was chosen not only by Hashem, but also by the Nation of Israel (Ramban, *Parashat Shoftim*). This happened after David succeeded in uniting the nation, as found expression in the fact that there was only one army.

The choosing of Jerusalem had, among other things, a historical and a geographic rationale. Historically, although at the time of Yehoshua, the city was captured and burned (see Yehoshua 10:23-26; *ibid.* 12:10; *Shoftim* 1:7-8), it remained a non-Jewish city (see *ibid.* 1:21). No Israelite tribe settled there until the time of David, and, in fact, the *halacha* is: “Jerusalem was not divided up among the tribes” (*Yoma* 12a). This helped enable it to be the city of all and the city of peace between all parts of the nation.

Geographically, Jerusalem is situated on the border between the regions assigned to the tribes of Yehuda and Binyamin (see Yehoshua 15:5). The “watershed line” was the border; nowadays it goes down Yafo Street, from Davidka Square to the Central Bus Station and along Route 1 to the west. North of this line belongs to Binyamin; south of it belongs to Yehuda. Since Binyamin is a child of Rachel and Yehuda is the leader of Leah’s sons, this makes the city ideal for national unity.

We now can answer the question from our title. Choosing one place for worship of Hashem to the exclusion of others can cause religious concerns to take a step back. Considering the centrality of *korbanot* in those days, imagine closing all *shuls* in the world except the Kotel! Nevertheless, the added national unity took precedence over religiosity. “Built-up Jerusalem, as a city that was connected together” (*Tehillim* 122:3) – it connects all the parts of the nation, and it connects Jerusalem on Earth with Jerusalem on High. When unity wins, the service of Hashem is also elevated, strengthened, and receives greater significance and depth.

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

Ask the Rabbi

by Rav Daniel Mann

Can One Fix an Unwarranted *Beracha* on *Netilat Yadayim*?

Question: I came out of the bathroom and did *netilat yadayim* for that purpose, but accidentally I recited the *beracha* of *netilat yadayim*. I tried to salvage the situation by indeed eating bread as fast as I could. Did that help?

Answer: We wash our hands after using the bathroom without a *beracha* because it is not the fulfillment of a formal *mitzva* but is necessary to have clean hands for reciting matters of sanctity and for removing *ruach ra'ah*. (There is a *beracha* if it is right before *Shacharit* – Mishna Berura 4:30.) While it is unclear whether one should use a cup for this washing (see Living the Halachic Process, II, H-10), you apparently did. This made your washing fit for *netilat yadayim* for a meal (Shulchan Aruch, Orach Chayim 159:1), except that you lacked intent for that purpose.

We understand that your mistake was not that you thought you were washing to eat or that washing after the restroom is a formal obligation that includes a *beracha*. Rather, you washed without intention for the formal *mitzva*, and the *beracha* slipped out due to rote (i.e., you often make a *beracha* after washing with a cup). Thus, you acted without *kavana* for what is considered a *mitzva*.

What you did, eating bread based on a properly performed *netilat yadayim* without the intention for a meal (and, thus, without a *beracha*) is the subject of a *machloket* without a clear ruling (see Shulchan Aruch and Rama, OC 158:7). This includes where one washed for eating food that was dipped in liquid, where Halacha mandates washing without a *beracha* due to doubt (see *ibid.* 4&7). The Rama therefore instructs to repeat *netilat yadayim*, again without a *beracha* because of the possibility that the first washing got the job done (Mishna Berura *ad loc.* 32). The opinion that the *netila* without *kavana* to eat now is valid means that there is no need for another *netila* before the meal; he did not fulfill a *mitzva* with it (see Chazon Ish, OC 25:8).

Does inserting *kavana* to eat based on the *netila*, at least within a moment (*toch k'dei dibbur*) of the recitation give significance to the recitation? The broad idea of fixing things *toch k'dei dibbur* has limitations (see Sdei Chemed vol. VI, p. 327), and I did not find precedent of it giving a quality to an action done before it (see Yabia Omer II, OC 16).

Even if the intention could reach back to fix the *beracha*, the following source indicates that a *beracha* cannot fix the nature of the preceding *netila*. The Magen Avraham (158:13, accepted by the Mishna Berura *ibid.*) says that one cannot make a *beracha* after a *netila* without *kavana* because a *beracha* is incongruous to such a lacking *netila*.

One can still argue that the fact that the *netila* was used for the meal (according to the opinion that it works) does give it and its *beracha* some significance after the fact, considering the two are connected. While not negating the **plausibility** of that contention, the following Ritva illustrates that the washing and eating are not fully connected. The Ritva (Chulin 106b) says that one who did *netilat yadayim* with a *beracha* because he was planning to eat may change his mind and not eat, because the *netilat yadayim* at its time, based on the plans at that time was required; after the *mitzva* was completed, it is irrelevant if the meal materializes or not. He spells out that the eating is only the trigger for the obligation of *netilat yadayim*; it is not the end of the *mitzva* process (admittedly, not everyone understands it this way – see S'dei Chemed *ibid.*, p. 328). In our flipside case, your eating is unlikely to change things retroactively, as the *netilla* was done without obligation.

The following would have been the best way to salvage as much as possible, besides reciting *baruch shem k'vod* ... on the *beracha* (Shulchan Aruch, OC 206:6). We saw that to eat bread, you needed a second *netilat yadayim*, without a *beracha*. Since the *beracha* on *netilat yadayim* can work before the washing (Shulchan Aruch, OC 158:11), intending that your *beracha* go on that second washing might have helped (analysis beyond our scope).

“Behind the Scenes” Zoom shiur

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Igrot HaRe'aya - Letters of Rav Kook

Appeal to Buy from Religious Winery – #160 – part II

Date and Place: Yafo, 5668 (probably still 1907)

Recipient: Rabbis in the Diaspora

Body: [The first part discussed how the early settlers of Eretz Yisrael ranged from simple religious people to the holiest scholars, and that now many of the farmers are irreligious.]

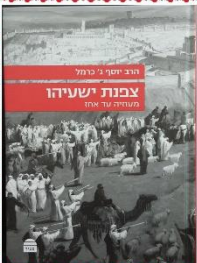
We know clearly that many religious Jews are upset [about the decrease in patronizing Jewish products from *Eretz Yisrael*] and are unable to save the situation. There was especially great disappointment last year, as the inability to sell the wine was so bad, that they reached the point that it was necessary to uproot that which was already planted. This includes multiple vineyards whose owners gave up hope of being able to sell their wine. The sight of the uprooting pierced the heart.

There is an internal reason for the minimal connection that the majority of Hashem's nation have to the holy love of the new community of settlers, which caused this very sad event. It is something we have to work very hard to fix and reconnect the multitudes of Jews with the depth of the heart and soul so that people will follow their leaders and take part in the rebuilding of the Land by her sons, the sons of the King and Savior of Israel, who are in the process of being drawn to her.

The reason is that the true, internal connection of Jews [of the Diaspora] to the Holy Land stands fully on sanctity. This includes the sanctity of Hashem's Name, the sanctity of the love of our holy Torah, and the sanctity of the deep belief in the Torah and its *mitzvot*, which should be fulfilled on the Land that Hashem gave to our forefathers from time immemorial. Those settlers who toil in the land and are the builders of the Land in recent years do not know the loftiness of this great foundation of the connection and have taken a turn toward that which is profane. They desire to attach a label of secular to the New Yishuv, instead of the lofty sanctity that actually dwells on it from the sanctity of the Holy Land. This idea of secularism, promulgated by leaders of the New Yishuv, impacted especially the approach to education. It came to replace the sanctity and dependable approach of educating with the light of the Torah and pure fear of Hashem, which is proper for the children of the "holy flock" wherever they are, and especially in the Holy Land, which is Hashem's estate. The education is led by real educators, filled with Torah, fear of Hashem, and complete belief. Instead, [groups of new settlers] founded schools that are styled around the mundane, which creates blemishes in the upper sanctity and prevents the spirit of Hashem from shedding light on the air of the Holy Land in a palpable manner. It brings on a desensitizing of the new paths, so that "the plant will not make flour," and spirit is missing.

The Nation of Hashem has sensed all of these phenomena from a distance, and the great people within the nation saw these things from afar. This is the reason behind the horrible weakness in support for the New Yishuv. With this fall in spirit, there has also been a lower level of affinity for the produce of the Land, especially the wine of the Holy Land, even those that are guarded and supervised properly with a reliable kashrut certification. This weakness of enthusiasm affected sales and has held back the New Yishuv, which should actually be beloved by the entire Nation of Hashem.

Next time we end off with Rav Kook's practical recommendation.



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

Rights of a Yishuv on Peripheral Land – part I

(based on ruling 80083 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The plaintiff (=pl) is a *yishuv* in *Yehuda/Shomron*. The defendant (=def) planted an orchard on unused land outside the *yishuv* without permission from anyone, which has been the subject of litigation for years. When pl wanted to build an access road for the *yishuv* through the orchard, a *beit din* ruled: def must acknowledge that he does not own the land and allow pl to build as needed; pl will reimburse def for taking land def has been cultivating. The sides signed an agreement based on this ruling. It includes provisions for compensation for def but requires him to receive permission if he wants to expand the orchard. A later agreement dealt with def's erecting structures on the land and allowed pl to build housing on the land in return for compensation. Years later, pl decided to charge def and other businesses in the *yishuv* and its periphery taxes and security charges, claiming it is unfair for businesses to benefit while only residents pay. This would cost def tens of thousands of NIS a year. Pl now demands payment retroactively for the years that def refused to pay. Pl also demands part of the profits for the sale of part of def's operations. Def claims that pl cannot demand taxes on def's orchard because the land is outside pl's jurisdiction. Also, standard practice is for *yishuvim* to not charge farmers who cultivate the land around them, as it adds staying power and serves as a security buffer for the *yishuv*. It is also not right to change the rules years after def is on the land.

Ruling: The land def cultivates is indeed over the "blue line" of pl's jurisdiction, and it is even outside the regional authority to which pl belongs. Therefore, pl does not own the land and subsequently has no authority to demand money as rent for using it. Although def is a member of pl's resident association and signed that he is bound to their decisions, this does not apply to decisions concerning land out of its jurisdiction.

Part of pl's claim to ownership is based on the first *beit din's* ruling that whatever is within pl's fence, belongs to it. However, that ruling only relates to the right of usage (*chezkat shimush*), not to ownership. The ruling says that neither side owns the land, but pl has the right to determine its usage. The most recent agreement, which states that "the rights to the land will, in the future, be assigned to pl, and this agreement will continue to apply" also recognizes that at present, pl does not own the land. The agreements also never included payment for rent, which is in line with this analysis. Pl's claim that due to def's use of the land, it is not possible to charge others for their use is not to be accepted. First, pl does not have a right to take from the other people in his situation either. Second, pl has the ability, including based on the agreements, to use the land for extending the housing of the *yishuv* (although they will have to compensate def somewhat).

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