



# HEMDAT YAMIM

חַמְדָּה יָמִימִים

Parashat Hashavua

Nitzavim Vayeilech, 23 Elul  
5783

Harav Shaul Israeli zt"l  
Founder and President

## The Various Meanings of *Merei'im*

Harav Yosef Carmel

In Tehillim 27 (*L'David*), which we recite throughout Elul and much of Tishrei, an elusive *pasuk* says (translated partially in the simplest way): "As *merei'im* approached (*bikrov*) me to eat my flesh, my oppressors and enemies were to me" (Tehillim 27:2).

Who were these *merei'im*, and why were they also oppressors and enemies? And what does this have to do with this time of the year? First, what does *bikrov* mean? Ibn Ezra explained that this is the term used for approaching battle. Ibn Ezra cites a related explanation that these people succeeded in coming close to David in battle. Radak says that it refers to the idea that David was close to death.

Let us give another suggestion. *Krov* refers to people who were close to him, either from his family or from his friends, and that it is these people who tried to harm him. In *Tanach*, we find people who were very close to David who did harsh things to him. His parents sent him away from the house and into the field to lead the flock, at a young age, and did not view him as a full member of the family. This is referred to elsewhere in the *mizmor*: "When my father and my mother left me" (we will discuss this at length in the soon-to-be published *Tzofnat Shmuel*). David was somewhat adopted by an alternate father figure, his father-in-law, Shaul. And this new "father" tried to kill him multiple times. Also, the people of his tribe, from Keila and the Zipim betrayed him. His very close friend, Achitofel, turned into a pursuer (see *Shmuel II* 17:1-4). Even his wife Michal, who at one point loved him very much (see *Shmuel I*, 18:20 and *ibid.* 28) reached a point of unresolvable enmity.

Now let us go back to the word *merei'im*. In the fifteen times in *Tanach* the word is found, it always refers to a particularly acute evil, including those who befriended and betrayed Shimshon. The word also appears in the rebuke of Yeshayahu (Yeshayahu 1:4; 14:20) and in the harsh prophecies of Yirmiyahu (Yirmiyahu 23:14), along with other places. Chazal say explicitly: "*Merei'im* always refer to the evil" (*Avot D'Rabbi Natan* 1:21).

The root of *merei'im* is *reish ayin ayin*, which is like the words *rei'ah* (friend) *ra* (evil). The worst form of evil is when an apparent friend betrays the friendship and is actually evil toward his would-be friend. The *pasuk* describes how these people come to eat the flesh of their friend and turn into oppressors and enemies.

In contrast, the similar word *ro'eh* (shepherd) is a true friend of his flock. He acts with sensitivity and gentleness with the young sheep. Moshe and David are both leaders who proved their qualities in dealing with the sheep, as *midrashim* point out about each of them (see *Shemot Rabba* 2:2).

Many people claim to be fit to be proper leaders for our country, but they should also have to pass a test of true loyalty. We wish our readers, that in addition to all the other ways they should have a wonderful year, we should also enjoy leadership that toils to bring peace from within and without. May we never have to face friends who turn into enemies.

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



**Eretz Hemdah**  
DEONS: Harav Yosef Carmel, Harav Moshe Ehrenreich  
2 Bruniva St. corner of Rav Chiya St.  
POB 8178 Jerusalem 91080  
Tel: 972-2-5371485 Fax: 972-2-5379626.  
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# Ask the Rabbi

by Rav Daniel Mann

## **Shehecheyanu on Winning a Court Case**

**Question:** As a lawyer, it is clear to me that a client who wins a court case should recite *Shehecheyanu*, and one who loses should recite *Dayan Ha'emet*. After all, a court victory is truly good news and involves much more money than a suit! Am I correct?

**Answer:** There are different types of triggers for *Shehecheyanu*: cyclical *mitzvot*, holidays, and fruit (Shulchan Aruch, Orach Chayim 225); acquisitions of significant objects (ibid. 223); finding out good news (mainly, ibid. 222). In your question, you use the latter two interchangeably; we will separate them.

The parameters of acquiring a house or "important" clothing or furniture are quite defined, and when they are met, one does not need to be overjoyed for *Shehecheyanu* to be called for (it applies even when one pays top dollar). We do not say *Dayan Ha'emet* when such items are lost or broken. A court award rarely meets the classic parameters.

Because good news (ibid. 222:1) and bad news (ibid. 2) are very broad, the *beracha* trigger must elicit strong feelings. Most types of *Shehecheyanu*, according to most, are not obligations, but are voluntary and recommended when applicable (see Rama, OC 223:1; Mishna Berura 223:7). In cases where it is unclear whether they are warranted, most *poskim* (see Mishna Berura 223:12) apply *safek berachot l'hakel* (refrain when in doubt); some say it does not apply to such a subjective *beracha* when one feels the urge to recite it (see Tzitz Eliezer XIV:67). The above may explain what the Mishna Berura reports – most people do not make *berachot* over good and bad news. (The *minhag* is that one recites *Dayan Ha'emet* as a full *beracha* only for the death of a close relative – see Mishna Berura 223:8).

One could solve *beracha l'vatula* questions by combining it with a *Shehecheyanu* on clothing (Shulchan Aruch, OC 600:2) or by omitting Hashem's Name. However, people have the right and maybe should (see Mishna Berura ibid.) make the *berachot* according to the opinions that when there is true happiness from good news (and sadness from bad), one makes a full *beracha*. This can include a variety of significant financial events (see Mishna Berura 222:1). However, your clients should be consistent. Take a real estate agent who does not make *Shehecheyanu* when he makes a sale. Should he recite it only when his fee was questioned, and he wins the same amount of money in adjudication?! In fact, as a *dayan*, I see several reasons why a ruling in adjudication should not bring on *Shehecheyanu* or *Dayan Ha'emet*.

Many rule not to recite *Shehecheyanu* on a fruit that was grown in a forbidden manner (see Yabia Omer V, OC 19) – that is not supposed to make you happy. Adjudication at times includes *aveirot*, e.g., going to a secular court; lying or misrepresentation; improperly insulting one's "opponent." If one thereby received money he did not deserve, there should not be a *beracha*. If one lost the case, he should usually assume he deserved to lose, in which case *Dayan Ha'emet* is not appropriate, as he did not really lose anything.

In cases where one side is clearly right, the ruling reveals the obvious; it is likely different from the Mishna Berura's (ibid.) retrieving property from a thief. If both sides have strong logic, making the ruling significant, one could factor in that his good fortune is at the expense of another, who is now upset (compare to the Ra'avya, Shabbat 289, who says not to make *Shehecheyanu* at a *brit* because of the baby's pain).

There are other complications. In many cases, rulings include elements of winning and losing for both sides. Also, timing is not simple, considering that one: receives a ruling, there is time for appeal, and receiving payment can be a process (see Aruch Hashulchan, OC 223:4 on not making *Shehecheyanu* at a wedding).

I have not seen classical *poskim* suggest these *berachot* for adjudication, and the *minhag* is not to do so. Finding a different way to thank Hashem, and contemplating how to be a most moral litigant or not be one at all, may be wiser than solving a halachic doubt by including a new suit.

### **"Behind the Scenes" Zoom shiur**

Eretz Hemdah is offering the readership to join in [Rabbi Mann's weekly Zoom sessions](#), analyzing with him the sources and thought process behind past and future responses. Email us at [info@erezhemdah.org](mailto:info@erezhemdah.org) to sign up (free) or for more information on joining the group.

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

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# Igrot HaRe'aya - Letters of Rav Kook

## The Need for Torah Devotees to Write on Jewish Philosophy – #164 – part II

**Date and Place:** 26 Tishrei 5669 (1908)

**Recipient:** Moshe Zeidel, a protégé of Rav Kook. In earlier years, there were several letters to him.

**Body:** [Last time, we saw the suggestion that broad-minded talmidei chachamim should correspond in matters of Jewish Philosophy, despite obstacles.]

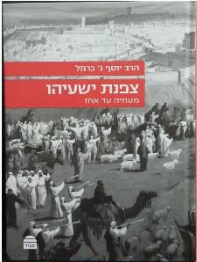
I am combatting the obstacles as a war of *mitzva*. We see clearly that [a bright future in *Eretz Yisrael*] is coming; Hashem shall shine light on us. The hope of Israel and its reawakening is an emerging reality, in a concealed manner in the Land of Life. The great spirit, in which Hashem dwells, is still folded up like a fetus in its mother's womb. However, before too long, the sound of birth will be heard, after the screaming of labor pains. We will have a new, refreshing sound of a child being born, as a nation will be born all at once, as Zion will go into labor and give birth to her child. The spirit will increase and take hold quickly, and therefore we are called upon to act on behalf of Hashem.

Until this point, Israel's special culture has been like a silent sheep. Hashem's word has been disgraced, as none of the non-religious intellectuals has been willing to seek its truth more than the Europeans have, and the Europeans have funneled Hashem's word through a pipe that is polluted by their religious misconceptions, which causes inaccuracy in the elements of Torah they proudly stole from us. The other nations have no part in our culture, and our national reawakening in the Holy Land, the place where Hashem is to be revealed to the world, is a single reliable dream. Only by mistake does it look like contradictory, competing systems (apparently referring to religious and secular approaches to building the Land).

We need to work on [developing the Land according to Jewish spiritual values], showing how Jewish society can exist with power, pride, greatness and grandeur. It must be done by scholars of the truth, who fear Hashem with an internal awe that is unaffected by the impurities of a false, external fear that lowers the spirit – those who extoll Hashem with truth and a straight heart.

To accomplish this, we must begin the foundation of literature, both new and old, which will not turn its back on the traditional scholarship but arm the traditional with new tools to reveal the old's depth of goodness and show that the new goes along with it and consistently completes it. Reliable students will make Torah great and adorn it so that it will give new life to the spirit of Israel and honor and grandeur to the Land of Prophecy, whose sky and mountains forever drip with the dew of life, for the nation that feels that the connection to its soul is there. It will not give such dew of life to a different nation or to those who are assimilated among other nations and do not know the difference between mundane earth and holy soil.

Israel's intellect will rise up, and its live emotions will awaken in parallel with strength and life. The industriousness to build, plant, and improve everything in the life of a strong nation, on its Land as it used to be, will reawaken the offspring of Israel, so that they will recognize [the Land] and know to return to it with love and a recognition full of productivity and life. Songs of life were created, full of the vigor of Hashem. Fields of new, light-emitting culture will propagate and rise up; they will thicken and be vibrant, and even sing. The old will be renewed, and the new will be sanctified; together they will serve as torches shining over Zion. Zion will begin to use its charm to attract the best of its sons/builders (Torah scholars), and those who beautify buildings, those who plant and sow and create industries and markets. In time, they too will drip with the dew of eternal life; holy waters will be thrown on them, and they will realize their strength as they build the walls and courtyards for Israel in the Land that is eternally desired.



**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 seeked 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

## How Much Pay for the Fired Lawyer? – part I

(based on ruling 82149 of the Eretz Hemdah-Gazit Rabbinical Courts)

**Case:** The plaintiff (=pl) hired a lawyer (=def) to represent her in divorce proceedings and asked her to do so in Rabbinical Court. According to their first contract, the base fee was 30,000 NIS, which covered 3 hearings in one tribunal plus another 15,000 NIS if there are (up to two) hearings in another tribunal. Beyond that, each hearing would be 2,000 NIS. The *get* was done in the Rabbinical Court. Soon thereafter, *def* sued for support on *pl*'s behalf in the (secular) Court for Family Matters. Months later, the ex-husband sued for division of property in court, which *pl* claims caused her to be suspected of stealing from their joint account. *Pl* and *def* began to argue, and a second agreement was made, limiting the fee to 30,000 NIS under certain circumstances. A month later, *pl* fired *def*, with complaints about *def*'s suing for support in the courts instead of the Rabbinical Court and over not suing the ex-husband over property (we will not get into the two sides' arguments on these issues). When *pl* asked *def* for relevant documentation from her tenure, *def* demanded 45,000 NIS to receive it, which *pl* paid. Because *pl* claims that *def*'s whole work was flawed and damaging, she demands that all of the payment be returned. [*Def* also raised questions about whether she agreed to the second agreement and whether *pl* was bound by an agreement not to make claims against *def* – to be explained and discussed next time.]

**Ruling:** The first matter is to reject *pl*'s claim that the whole fee must be returned. The contract was based on representing *pl* through different parts of the adjudication, which *def* did, and it states that *def* is to get paid for what she did even if *pl* fired her. Even if there is truth in the complaints against some of *def*'s actions and another approach would have worked better, *pl* did not prove that *def* did not take her job seriously or was negligent in her work.

Whether *def* deserves the extra 15,000 NIS is a better question, as *pl* says that she opposed taking the support claims to another tribunal, although it might have been necessary anyway since the ex-husband sued in court. It appears that this disagreement precipitated the second agreement. There it says that only if the case in court required more than two hearings, would there be a need for the 15,000 NIS addition, which would cover another two hearings. Because this agreement was written at a time that there already had been two hearings in both the Rabbinical Court and the secular one, the condition must have referred to another two beyond that, as the language implies. Also, it does not say in the second agreement that the lowering of the fee is conditional on *def*'s continued work for *pl*. Another reason to accept *pl*'s reading of the agreement is that *def*'s claims included many statements that needed to be retracted due to inconsistencies. Therefore, since *def* did not do any significant work after this agreement was made, the second agreement indicates that the fee should be 30,000 NIS.

*We continue next time.*

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**Arye Yitzchak ben Geula Miriam**  
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