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HEMDAT YAMIM

Parashat HaShavua

Beha'alotcha, 12 Sivan 5776

Blow When You Are Happy

Rav Daniel Mann

Our *parasha* lists several uses for the *chatzotrot* (trumpets) that Bnei Yisrael were commanded to make. They were used in the desert, where all Bnei Yisrael were encamped together, for gathering the people or the leaders and as a sign to travel (Bamidbar 10:2-7). The Torah goes on to list purposes that were used throughout generations when the people were in their own land – to turn to Hashem when war or other trouble appeared (ibid. 9) and to blast joyous sounds on “your happy day (*yom simchatchem*), your *moadim* (special days within the year), and your new months ... on your burnt offerings and your *shelamim* offerings” (ibid. 10).

While most of the occasions are clear, the “happy day” is not. It is hard to say that it is referring to holidays because those are mentioned immediately thereafter. There are *midrashim* that attribute it to Yom Kippur, as we are happy to receive atonement, or Shabbat, which precedes the *moadim* whenever these days are discussed together (*Parashat Emor* and *Parashat Pinchas*). While these are extremely important days, we do not usually find the word *simcha* in their context.

The Netziv and Meshech Chochma say that it refers to the inaugurations of the Temples, whether it be the *Mishkan* in the desert or the dedications of the *Batei Hamikdash*. This is, of course, a very joyous occasion, and we do find that the *gemara* (Taanit 26b) says that the *pasuk* about Shlomo's “day of his marriage and the day of the happiness of his heart” (Shir Hashirim 3:11) refers to the giving of the Torah and the building of the *Beit Hamikdash*, respectively.

The Ibn Ezra presents a very logical explanation. The day of joy is the day of victory in battle. Although the Netziv argues that we never find religious or political leaders in Tanach calling “days of happiness” after successful battle, the Ibn Ezra pointed out that we do find *simcha* in *Tanach* regarding Purim and the seven days of celebration that King Chizkiyahu called when the people of Yerushalayim were saved from Sancheriv's troops (Divrei Hayamim II:30:23).

According to the Ibn Ezra, the juxtaposition works out beautifully. The *pasuk* just described blowing beseeching *teruot* with the trumpets before the war. The next *pasuk* goes on to mention the blowing of celebratory *tekiot* after the victory, which was aided by the trumpets (“... and you will be remembered before Hashem your Lord and you will be saved from your enemies” (Bamidbar 10:9).

The Chizkuni says that Hashem remembers, when Bnei Yisrael blow at the time of trouble, that they also blow when bringing sacrifices on holidays. According to the Ibn Ezra's approach, this message rings especially clearly. Hashem realizes when we turn at the time of trouble that we will not forget, when we are successful, to thank Hashem for his Divine Providence that made the salvation possible (hopefully, this is the case). This, of course, is a lesson to remember in all generations, especially the last couple of generations, which have seen more successes in battle than we have seen in millennia.

Refuah Sheleymah to Orit bat Miriam

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LED Shoes for Children on Shabbat

Despite all the technical grounds for leniency, it is very much out of the spirit of Shabbat to have a child wear such shoes on Shabbat, and, therefore, we rule that it is generally **forbidden**. That being said, if a one-time, unique situation arises where these are the only shoes the child is able to wear and the child does not think about activating the lights, it is possible to combine the indications for leniency and let a small child wear such shoes (or even put them on for him).

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The Time to Identify Sins

(condensed from Ein Ayah, Shabbat 2:205)

Gemara: One who is sick and is approaching death is told to admit [his sins], for all those who are put to death, admit their sins.

Ein Ayah: Man's soul was created straight, and therefore yearns for goodness and justice. The problem is that the confusion in concepts due to the strength of his desires removes a person from the straight path, until he does not recognize the true path that is naturally engrained in his spirit. However, when his body is weakened to the point that he is on the verge of death, then his internal life awakens and his feelings of true moral correctness are strengthened.

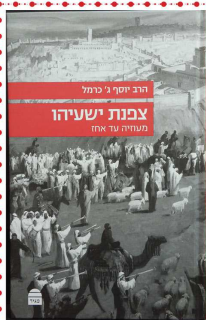
For this reason, before death is the most auspicious time to admit sins. The rays of light that shine at that time in the inner home of the soul will enable him to find every type of sin that occurred throughout his life. The strengthening of the moral side of the spirit comes from its natural, healthy element of the spirit, which is rejuvenated when the blindness of coarse desires subsides. For this reason, the appropriateness of admitting sin at this time is true for all people, explaining why we apply the rule that all who are put to death admit their sin.

General strengths are always built on natural foundations that have a specific purpose. In this case, it is the goal of turning to Hashem to repent for sin. Indeed, even a short interval of repentance in this world is very special (Avot 4:17), for it prepares the foundation of a person's life for eternity. Throughout a person's life, his spirit is full of fluidity, changing its perception and strengths and not remaining static. The most all-encompassing power of the spirit is certainly will-power, and it impacts other parts of the spirit, both those that are revealed and those that are concealed. All other powers in life impact will-power and are impacted by it. Therefore, desires are the true insignia of a person's spirit.

When a person is about to complete his life's spiritual work and have it remain permanent, he needs to sum up all of its different elements in a way that is connected to all that he did in his life. Generally a person uses his body as a vessel that is involved a little at a time in different activities and situations. It is a powerful thing to admit one's sins and thereby beam a light of truth and correctness into his spirit so that his desires at that point are in line with how Hashem created his spirit. He does this by casting off his desire for any type of sin. That explains the natural tendency for admitting sins at that time, which Hashem imbued each person.

A person should set healthy activities as his physical lifestyle, and those who think they can get away without such healthy living make a grave mistake. So too those who do not listen to the natural spiritual callings destroy their spirit. The Torah and fear of Hashem bolster the correct tendency to want to repent, as the *pasuk* says: "His heart will understand and he will return and be healed" (Yeshaya 6:10).

A person should understand that just as being executed by *beit din* is a sign that he has a sin that needs addressing, so too any upcoming death is a sign that there is some characteristic that deteriorated. After all, if everyone was on the perfect level, death would not exist in the world, as we pray for the time when our nation will be healed and Hashem will remove death forever (ibid. 25:8). If there are imperfect characteristics, there must also be sins that contributed to that situation. Therefore, natural death also needs to stand as a proof of the need for repentance, similar to the repentance done by one who is executed for an obvious sin.



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.

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Lawyer's Rights to Full Fees from Reluctant Client – part I

(ruling 72060 of the Eretz Hemdah-Gazit Rabbinical Courts)

[In the case we will be introducing this week, *beit din* dealt with allegedly unpaid fees by a client to a lawyer during a professional relationship that spanned 4 years. The long ruling relates both to general topics that apply throughout and certain questions that relate to individual cases the lawyer handled. In each installment, we will deal with one or two issues.]

Case: The plaintiff (=p) is a lawyer (/owner of a law firm) who represented the defendant (=def), a wealthy businessman (/businesses he owned) in many matters, including several multi-million-shekel (attempted) purchases. Def paid p more than 1.6 million shekels over 4 years, but p claims that he is still owed more than 2 million shekels. **Issue #1:** Some of the work was supposed to be paid by hour of work. P presented logs of work that he and other of the firm's lawyers performed on def's behalf (detailed according to the project, hours spent by day and the basic description of the work). In many cases, def argues that the amount of time claimed by p is illogical and thus must be exaggerated.

Ruling: **Issue #1:** The *gemara* (Shvuot 46a) concludes that if there is a dispute between the employer and the worker regarding how much pay he was promised, the employer is believed, after he swears, because the worker is trying to extract money from him. The same rule should ostensibly apply when there is a disagreement about the amount of time worked, which is part of establishing the salary due. There is a difference, though, in that there the employer makes a definite claim contradicting the worker, whereas here, the employer just surmises that the time claims are incorrect. On the one hand, even when a plaintiff is certain and a defendant is uncertain, we do not extract payment (Shulchan Aruch, Choshen Mishpat 75:9). On the other hand, when a defendant admits part of a claim and is not sure about the rest, we say that since he should be required to swear and is not able, he has to pay (ibid. 13). Yet, in a case where he is not able to know, he does not have to pay in that case (Shach 75:54).

In the final analysis, when an agreement on pay was made when it was known in advance that one side would know the amount and one would not, the situation is different. The Rama (CM 91:3) says that in such a case, the one who knows can swear about the amount due to him and receive it. The S'ma (14:5) says that this is the case as long as the amount due was accrued in the framework of activity for the defendant's benefit (as in this case), as opposed to cases such as one who deserves a return of legal expenses, who needs to prove how much he spent. The Shach (CM 91:23) distinguishes between cases where the defendant implied he was believing the plaintiff and when he does not. According to this, as well, from the fact that def asked p to work per hour and did not arrange a mechanism other than believing p, he should be obligated. This is true both regarding those entries that p himself recorded and those that his associates recorded; oral testimony is not necessary (see Shulchan Aruch, CM 91:5).

The Pitchei Teshuva (91:4) says that if there is reason to suspect that a plaintiff fabricated such claims, he can lose his credibility. However, def was not able to substantiate such claims, which he made regarding certain projects. (Rounding off hours in a manner that is accepted is not considered fabricating).

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