



HEMDAT YAMIM

Parashat Hashavua

Eikev, 22 Av 5781

Harav Shaul Israeli zt"l
Founder and President

The Right Time for Calculations
Harav Shaul Yisraeli – based on Siach Shaul p. 496-497

Moshe asked: "What does Hashem ask from you but to fear Him ...?" The *gemara* (Megilla 25a) points out that unlike for most people, this was a trivial task for Moshe. Actually, the purpose of the giving of the Torah is fear of Hashem: "The day you stood ... at Horeb ... and I had them hear My words that they should **learn to fear Me**" (Devarim 4:10). "Gather the nation ... so that they should hear and **learn and fear** ..." (Devarim 31:12). Even the Jewish king was supposed to carry around a *sefer Torah* "so that he should **learn to fear**." So maybe it is a small thing, and maybe it is the purpose of the Torah.

"Hashem made man straight, and they looked for many calculations (*chishbonot*)" (Kohelet 7:29). This implies that calculations represent a deterioration in man's status. On the other hand, *Chazal* teach on the words "Come to Cheshbon" that we should make the "calculation of the world" (Bava Batra 78b).

The line leading from man to his Maker is innately straight, as a pure spirit yearns for Hashem, the source of his life and of goodness. However, if the line became crooked, it is necessary to make corresponding crooked lines (i.e., calculations) to get back to the desired place. We lost the knack of connecting directly, so we need to figure out through complex determinations where we are supposed to be.

That's the reason that for someone like Moshe Rabbeinu, who had an ideal, natural relationship with Hashem, it is indeed simple to fear Hashem. But someone who is missing that relationship has to "learn to fear." The giving of the first Tablets, with the awe-inspiring display of divinity, put the nation on the cusp of being on the level at which fear of Hashem is trivial. It could have turned into something that lasted "all the days ..." (Devarim 5:25). However, the sin of the Golden Calf complicated matters greatly, and made it necessary to "quarry for yourself" (ibid. 10:1), with the great effort involved to figure out how to get back "in synch" with Hashem. Even after the quarrying and the toil it symbolized, there was still a need for Hashem to write on the new tablets (see Shemot 34:1).

We can only create an opening to our relationship to Hashem like the crack of a needle, and the rest requires Divine Assistance. The point of Torah study is to fear Hashem, but that fear is not as great as that which is above it, as it says, "The beginning of knowledge is fear of Hashem" (Tehillim 111:10).

We spend so much of the year in mistaken activity, things that distance us from Hashem, almost as if we are again making golden calves and bowing down to them. The month of Elul is a time to make calculations and start bending back in the right direction. We ask Hashem to create a new heart for us (Tehillim 51:12). While we are incapable of creating such a new heart, which requires the ability to create, we are capable of desiring such a pure heart. May we serve Hashem in a manner that demonstrates the yearning to be pure once again.

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by Rav Daniel Mann

Changes in *Tefilla* for those Visiting Israel?

Question: I hope to visit Israel this summer. Should I say "*morid hataf*" in *Shemoneh Esrei* like Israelis, and should I continue to say *Baruch Hashem L'olam* (=BHLO) at *Ma'ariv*?

Answer: First, realize that neither of these differences has to do with being in *Eretz Yisrael* per se (in contrast to the different practices of asking for rain between 7 Marcheshvan and Dec. 4). Rather, in both matters to which you refer, there is a *machloket* which applies throughout the world, just that practical *halacha* has developed that for many Ashkenazim, their natural community rules one way in *Eretz Yisrael* and another way abroad.

Let us review the basic rules of competing allegiance between our personal familial *minhagim*, our communal ones, and our regard for the place we presently are in. Generally and conceptually, communal *minhagim* takes precedence over personal *minhagim* when one is set in a community, even if he was not raised there (see Pesachim 51a; Shulchan Aruch, Yoreh Deah 214:2; Living the Halachic Process I, H-12). Therefore, if you moved to Israel permanently (generally, very recommended), you would begin saying *morid hataf* in the summer and not recite BHLO at *Ma'ariv*. However, as a visitor, your basic *halacha* is to continue your practices.

An exception to the rule is based on the important *halacha* not to publicly do things that contradict the local *minhag* because of the conflict this could cause. This includes not being more lenient and, when possible, not being noticeably stricter than the locals are (Pesachim 51b-52a).

Saying or not saying *morid hataf* is certainly not noticeable. The *poskim* do not view even the longer BHLO as obtrusive if said quietly for travelers in either direction (Igrot Moshe, Orach Chayim II:102), and therefore you should continue silently as regular.

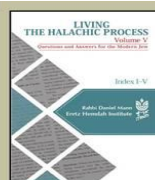
As *chazan*, though, one must conform to the local practice to avoid *machloket*. This is no real concern regarding *morid hataf*. The *gemara* (Ta'anit 3a) says that mentioning *tal* (dew) in *tefilla* is only optional because it is always present in *Eretz Yisrael*. Skipping BHLO is also not a problem because it is only a non-unanimous, post-Talmudic institution, based on the idea that the 18 *p'sukim* recited can represent the *Shemoneh Esrei*, which not always was done at *Ma'ariv* in *shul* because people were afraid of going home late (Tur, OC 236).

The only dilemma is whether it is permitted for a traveler/*chazan* from Israel to recite it abroad, as he is adding a *beracha* that his *minhag* does not recognize. However, there is halachic precedent for a *chazan* doing this type of thing. The *gemara* (Pesachim 106a) tells of Rav Ashi being asked as a visitor in Mechoza to make Kiddush on Shabbat morning in a way that sounded like they wanted him to include the *beracha* of *Mekadesh HaShabbat*. While he had misunderstood, the *gemara* implies he was willing to conform to the perceived local practice. The Chida (Chayim Sha'al I:99) rules based on this that a Sephardi who is *chazan* at an Ashkenazi *minyán* on Rosh Chodesh may recite the *beracha* on *Hallel*, against his regular *minhag*. Rav Ovadia Yosef (Yechaveh Da'at IV:31) disagrees, but to a great extent because of the word *v'tzivanu* (He commanded us), which is not used in BHLO. The consensus is that an Israeli may recite BHLO as a *chazan* abroad if necessary (Teshuvot V'hanhagot I:88; B'tzel Hachochma IV:25). However, it is likely worthwhile to avoid being *chazan* if not necessary (*ibid.*).

In your case, though, it is fine to be *chazan* for no particular need because BHLO may be skipped for a simple need, such as if it will cause you to start *Shemoneh Esrei* after the *tzibbur* (Mishna Berura 236:11). You would not be required to make it up after *Shemoneh Esrei*, although you could do so if you leave out the *beracha* at the end (*ibid.*). As an individual as well, you should not recite it if it will cause you to start *Shemoneh Esrei* after the *tzibbur*. If you turn out to be a few seconds late, that is fine (B'tzel Hachochma IV:3), and you can answer *Y'hei Shmei Rabba* and the *amen* to *Kaddish* in the middle of BHLO (*ibid.* 27).

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

Yerushalayim First and Foremost – Letter #39 – part III

Date and Place 3 Marcheshvan 5667 (1906), Yafo

Recipient: Rabbi Yehuda Leib Felman, an uncle of Rav Kook

Body: [Rav Kook has developed the thesis that Yerushalayim is holier and deserves greater regard than any other city. We complete that idea and then return to practical considerations in tensions between Chabad Kollel heads that threatened to cause financial hardships to residents of Yerushalayim.]

There is no need to write at length about the importance of Yerushalayim, which Hashem called “the city I have chosen” (Melachim I, 11:32,36). Tikkunei Zohar also views the *pasuk* “Your neck is like an ivory tower” (Shir Hashirim 7:5) along the lines of “Your neck is like the Tower of David” (ibid. 4:4). The jewels (on the neck) are *kohanim*, *levi'im* and *yisraelim*. So we see that Yerushalayim is the place of vitality, and *kohanim*, *levi'im* and *yisraelim* adorn the sanctity. Whoever adds on to the “jewelry” of sanctity is praiseworthy. Although the sources refer to Yerushalayim’s spiritual side, the physical side is interconnected, as we saw above regarding the *me’arat hamachepela*.

Certainly, it is proper to pursue peace with all one’s strength, so that the dispute does not hinder the expansion of the building of Yerushalayim. This idea (of protecting Yerushalayim) is found in the *gemara* (Zevachim 113a): Bones were found in an office in Yerushalayim, and there was thought of declaring a state of impurity in the city, but Rabbi Yehoshua said that it would be a disgrace to declare impurity in the city of our forefathers.

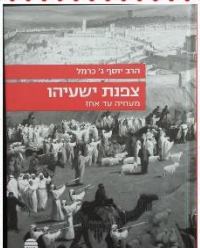
Thank G-d, there is not a city in the entire world that possesses as much Torah, service of Hashem, righteous and pious people, great Torah scholars, and those who are active in *mitzvot*, as Yerushalayim, the Holy City, may it be rebuilt. Thank G-d, our eyes see how it continually develops from week to week. Our brethren from around the world flock to it, and those who love the city with all their hearts and souls are building new buildings in it.

The first moral blemish, which caused the division of the Davidic dynasty and ultimately all of the exiles and national collapse, was the degradation of Yerushalayim (see Sanhedrin 102a). It is also forbidden, according to the laws of the Torah and the principles of good faith, to exclude from leadership one who has had a leadership position.

Therefore, I advised the one who asked me to compromise whereby new board members will be added. They can add whoever the Lubavitcher Rebbe (Rav Shalom Dovber Schneersohn) desires as well, and it is best if letters are written with the addresses of three men rather than having dispute in Israel. The Prushim Kollel already uses two names, so what is wrong with three. All of this is worthwhile to avoid diminishing Yerushalayim’s honor an iota. I think that all true G-d-fearing *chasidim*, whether those connected to the Bobruisk, Ladi, or Lubavitch branches of Chabad, should request a triple letterhead, to avoid division in the Kollel, and enable their good offices to continue providing for the people of Yerushalayim. Undoubtedly, good, honest, peace-loving men can nip the dispute in the bud.

This is important because Torah scholars are apparently already suffering from the pain of dispute. I know of one outstanding scholar in serious financial need who has not received a distribution payment because of the confusion in the Kollel due to the dispute. Since there must be many others like him, it is an immeasurable *mitzva* to get involved and bring peace, so that each leader will change his stand to return peace and the honor of Yerushalayim to its place. This way, no poor person should remain needy among those who serve Hashem truly with the sanctity of the Desired Land, due to a quarrel between his group’s leaders.

I have written at greater length than usual because of the honor of Yerushalayim and the love of peace. May Hashem bestow His blessing upon us ...



**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.

Buy Now

P'ninat Mishpat

A Loan or a Partnership? – part II

(based on ruling 79099 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The defendant (=def) bought an apartment for approximately 600,000 NIS but did not have enough money to pay. The plaintiff (=pl), def's brother, gave him around half of the price. Def has been paying pl 1,000 NIS a month for the last 18 years and an additional 220,000 NIS (according to pl) or 270,000 NIS (according to def). Pl claims he bought half of "his brother's apartment" and that the monthly payment was for rent for his half. Now that the apartment is worth 1.8 million NIS, pl wants def to buy his part at 680,000 NIS (half its value minus the amount paid; the monthly rent payments are not included). Def counters that the money was a loan, and the monthly payment was interest. Not being religious, he did not know that interest is forbidden, and so he now demands that pl return the interest, as Halacha requires. Pl presented a handwritten "document," which contains several provisions that support pl's claims, including that def must pay half of normal rent and that they have equal ownership in the apartment. Pl claims that def wrote the document, and a brother of the two corroborates that this is def's handwriting.

Ruling: The first thing to determine is the relevance of the alleged document. The note has no signatures or date and uses only first names. It does not even refer to a specific apartment by address or description. The final clause within it is in a different handwriting, which admittedly is pl's, which shows the lack of reliability of the note to serve as a binding document.

The brother's testimony about the handwriting and his claim that he discussed with pl being partners in the apartment are the testimony of a relative which is of course invalid. The source pl cited about a relative's testimony serving as a revelation of known matters does not apply here when the basic facts are in dispute. Furthermore, even if we were to accept the brother's account, the note is not written in a manner that can be binding. Even if the witness is correct that the two brothers discussed being partners in def's apartment, that does not mean that def agreed to the arrangement.

There is a manuscript of a recorded conversation between pl and def that refers to the existence of a document of some sort. However, it does not describe the type of document that would be legally binding. Furthermore, the note is full of discrepancies. For example, in one of the clauses, it refers to a loan of \$69,000, which based on the exchange rate at that time, is slightly more than 270,000 NIS, which the sides agree was transferred. To be clear, the two sides agree that pl gave def a significant amount of money to buy the apartment and that pl was intended to receive significantly more money than he gave to def. Regarding the exact conditions, we do not have agreement or proof.

Next time we will complete analysis and see the decision.

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

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Yisrael ben Rivka
Rivka Reena bat Gruna Natna
Arye Yitzchak ben Geula Miriam
Neta bat Malka
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