



HEMDAT YAMIM

Parashat Hashavua

Ki Tisa, 18 Adar I 5782

Harav Shaul Israeli zt"l
Founder and President

“I Shall Dwell in the Midst of Bnei Yisrael” – part I
Harav Yosef Carmel

While our *parasha* is famous for the Sin of the Golden Calf, it also contains some discussion about the construction and the future operation of the *Mishkan*, the forerunner to the *Beit Hamikdash*. About the purpose of the building of the *Mishkan*, the Torah writes: “I shall dwell in the midst of Bnei Yisrael, and I will be G-d for you, and you will know that I am Hashem your G-d, Who took you out of Egypt to dwell amidst you” (Shemot 29:45-46).

This formula has tremendous meaning, as even today when we pray for the rebuilding of the *Beit Hamikdash*, we are in essence praying for the Divine Presence to dwell once again among us, especially in the Holy Temple. This dwelling is also a sign of the amount of prophecy with which the nation will be blessed.

We have discussed in the past that the reason King David did not build the *Beit Hamikdash* was not as any form of punishment, as he actually received a reward that no one before him received – the establishment of a monarchical dynasty. As soon as his son would sit on David’s throne, he would be king and be able to build the Temple, based on the architectural plans he received from his father (see *Divrei Hayamim I*, 28:11-19).

But from where did David get the plans? The key is in an interesting story in *Shmuel I*, 19. David ran away from Shaul and came to Shmuel, the prophet, in Rama, and they went together to a place within Rama called Nayot. Shaul sent group after group of his men to apprehend David, but each one who came before Shmuel started prophesying instead of seizing David. Finally, Shaul went himself and in Nayot in Rama, he too prophesied.

The two themes that repeat themselves in these *p’sukim* are Nayot in Rama, and the multitude of prophecy, which indicates the presence of Hashem. We will explain. The previous *p’sukim* tell of Shaul’s plan to kill David in his bed. Michal, daughter of the former and wife of the latter, used her cunning to save him. From there, David escaped to Shmuel. *Chazal* are puzzled by the identification of Nayot in Rama, as they would seem to be two different towns. *Yalkut Shimoni* (*Shoftim* 510) posits that they were sitting in a high place (=Rama, which fits the description of the *Beit Hamikdash*) and dealing with the *noy* (adornment) of the world. Why was this the time to discuss the Temple?

Shmuel is the one who anointed Shaul to be the king, and as Shaul’s mentor, Shmuel was the only one who was able to stop Shaul from killing David. Shmuel was also the one who anointed David to be Shaul’s successor. Therefore, if one kills David, he is nullifying Shmuel’s prophecy. This meant also that David’s own prophecy was true. The *midrash* (*Midrash Tannaim*, *Devarim* 1:17) reports that David would tell his father, to the latter’s chagrin, that he would kill a Plishti giant named Goliath and build the *Beit Hamikdash*. Therefore, killing David would also preclude that prophecy. Running to Shmuel at this time of danger was David’s way of checking whether his prophecy could come true. Shmuel did confirm that David would be responsible for the construction and gave him the plans (see *Rashi* to *Divrei Hayamim I*, 28:12).

We will continue this theme in the weeks to come and in the meantime pray for the full return of Hashem’s Presence in our midst.

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Ask the Rabbi

by Rav Daniel Mann

Sheva Berachot Every Day of Sheva Berachot?

Question: Is it necessary, proper, or at least recommended to have a *sheva berachot* celebration every day of the week of *Sheva Berachot*?

Answer: We have to present as full a picture as possible to appreciate the nuances here.

What we call the week of “*Sheva Berachot*” (=SB) the *gemara* (Ketubot 4a) calls “the seven days of *mishteh* (feasting).” This period focuses on a state of *simcha* and of giving thanks to Hashem (see Ketubot 7a). The most basic part of the *simcha* is the *chatan* and *kalla* spending quality time together (Shulchan Aruch, Even Haezer 64:1). However, the involvement of others in festive meals is also important. For one, a *minyan* and *panim chadashot* are required to recite the *sheva berachot* (=sb) at *Birkat Hamazon* (Ketubot 7b). More fundamentally, we see from the *halacha* that a *chatan* and his entourage are exempt from eating in a *sukka* throughout SB that having a nice amount of appropriate co-celebrants is a significant consideration, especially at the time of eating (Sukka 25b and Meiri ad loc.).

Poskim broadly assume that there is no full obligation to have sb every day of SB. Many quote Rav Pe’alim (IV, EH 6), and his main source is Ketubot 7b. The *baraita* states that the sb are recited with a *minyan* “all seven days,” but Rav Yehuda makes this conditional on the presence of *panim chadashot*. The Rav Pe’alim infers from the *gemara* that one is not responsible to bring *panim chadashot* to have a complete sb.

It is possible to argue that the existence of a nicely attended party (which provides the *simcha*) is a given, and the variable is whether the party needs the possibility of reciting the *berachot*. However, *Acharonim* generally understand that although when sb is held, it is a *seudat mitzva*, there is no halachic **requirement** to have sb every day of SB (Aruch Hashulchan, OC 640:14; Nitei Gavriel, Nisuin 83;3; Bemareh Habazak VII:96). The Aruch Hashulchan (late 19th century, Eastern Europe) reports that it was standard to have only a few sb. He admits that this was not as *Chazal*’s envisioned SB but explains that the difficult national climate in a difficult exile has worn us out to the point that it is hard to celebrate too much. The Yam Shel Shlomo (Ketubot 1:12) provides similar comments hundreds of years earlier. He justifies halachically that since these meals are in the *kalla*’s honor, she may waive her right to them. The Nitei Gavriel (contemporary) says that in **our times** there **is** a *minhag* to try to have *sheva berachot* every day, except when this proves too difficult. Hanisuim K’hilchatam (15:7) relates to the matter similarly but slightly less forcefully. In Bemareh Habazak, we wrote similarly that there is no obligation but that we encourage doing a nice amount of sb.

We will demonstrate a nuanced difference with the help of Sukkot. The *mitzva* of *sukka* applies continually during the 168 hours of Sukkot. The more time in the *sukka* the better, and this applies more or less equally throughout the *chag*. Regarding *lulav*, it must be taken **each day** but Shabbat, but each day, once one finishes doing what needs to be done, there is thereafter little value in taking it more. Nitei Gavriel understands the present-day *minhag*/preference in terms of one each day, like *lulav*. In Bemareh Habazak, we talk of a nice amount of celebrating, without stressing if it covers each day. The *minhag* seems to be to try to align the sb by halachic day, but this is just a preference. Logically, having the most meaningful experience is more important, and one should not get carried away trying to conform to the each-day *minhag*.

There is an additional element besides our general belief in following *minhag*. While older sources discuss the *chatan*’s obligation to arrange his SB, now family and friends do it. Once an act to honor others becomes standard, one who receives sub-standard is likely to be insulted or disappointed. Therefore, while on the one hand, many couples appear to benefit from extra rest and privacy, it is still generally an expected *chesed* for their loved ones to make the standard amount of sb.

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



Igrot HaRe'aya - Letters of Rav Kook

Questions about Torah Accounts of Creation - #91 – part II

Date and Place: 10 Sivan 5665 (1905), Yafo

Recipient: A young Moshe Zeidel. A close disciple of Rav Kook, from their time in Boisk, he asked Rav Kook many philosophical questions. He would become Dr. Zeidel, a philologist, philosopher, and educator.

Body: [Last time we saw Rav Kook's position that Rabbinic tradition embraced the idea that there were creations of the world well before Adam. He explained that the Torah's account of creation was just that which Hashem found worthy to share with us at the time, but that the full scope of creation was one of the greatest secrets. This time we will continue seeing why Hashem did not want to write in the Torah explicitly all that had transpired in creation.]

[The idea of not revealing things right away] is also true regarding spirituality. For example, Divine Providence is a foundation of human morality and success. When it will become abundantly clear to the world what the foundation is, we will have the situation the prophets described as a world without destructiveness and with knowledge of Hashem's ways filling the world (see Yeshayahu 11:9).

The Jewish people had to work very hard in dealing with idol worshippers, to explain that although creation was vast, it is wrong to view man as not significant enough for the morality of his actions to make a difference. Rather, the creation of man, who has the potential for morality, is more significant than that of quantitatively greater creations. It is difficult to engrain this point in the minds of man while at the same time preserving the internal recognition of Hashem's honor. The latter is the greatest foundation for the completion of the level of mankind and creation in general, in the present and for eternity, in a life of physicality and spirituality. All of this toil was needed to fit within man's small heart the image of the greatness of creation and lowliness of man along with the greatness of the "Hand of Hashem" and His loftiness above and beyond the value of creations.

What would have been if [thousands of years ago] man would have known about all the worlds that existed? Then man would have seen himself as nothing and would not have taken his moral responsibilities seriously and seek to be a living thing that strives for greatness. Only now that mankind has succeeded in seeing his potential for greatness, it is no longer upsetting for him to understand the sheer numbers of things that were created.

To achieve all of this required time and preparation, with imagery and with stories, whether those that follow from an intellectual view of creation or those that come from the revealing of the providence of Hashem as told by His prophets. They always needed to include the power that gives greatness to life and success in it. It would not have helped man to receive a set of truncated pieces of information to toy with like a young child.

When you contemplate that which I have explained, you will understand the importance of that which was revealed and that which was kept hidden. The means that Hashem employs to hide things are many and great, using the great divine brilliance of the Creator and wonderful advisor of the world.

If you adopt [in your inquiries in the academic world] the approach that I have explained to you, I am sure that, with Hashem's help, you will not stumble. You will be successful within our nation; you will fear Hashem and fulfill his commandments, which is the purpose of man (see Kohelet 12:13). You will find joy in the greatness of Hashem's name and in our nation's great gift – to have a covenant that makes us a light unto the nations. We should merit to rejoice in the joy of the beloved Land and be able to speak about Hashem's greatness in Zion and Jerusalem as nations gather to serve Hashem, when He brings salvation and grandeur to Israel from Zion. Hashem promised to give light from the secrets of the Torah, as Chazal point out that he already did for great scholars such as Rabbi Akiva and his colleagues (see Bamidbar Rabba 19:6, based on Yeshayahu 42:16).

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Making Up for Unpaid Employment Benefits – part II

(based on ruling 79137 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The defendant (=def) is an NPO that runs various educational institutions, including the one that the plaintiff (=pl) started to head in 5769. Soon after pl started, def ran into financial difficulties, and in a meeting of heads of def's programs, many heads agreed to cuts in salary to keep institutions open. Pl is now, after a few years, suing for the following matters: 1. The reduction in salary, which they forced on pl. 2. D'mei havra'ah (recreational payment) for 3 years, part of which def agrees to. 3. Loss of special rights that pl had with a pension fund, which he lost when def delayed payment to the fund, as promised and despite warning. 4. A percentage of the fundraising sums he raised on trips abroad, which def promised pl he would receive but did not give him (22,868 NIS). Def's specific claims we will see next to each subject raised, but two general claims were: statute of limitations and mechila (relinquishing rights).

Ruling: Last time we dealt with reduction in salary and d'mei havra'ah.

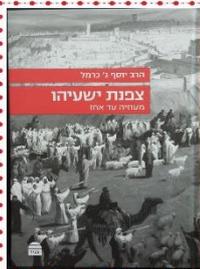
Pension fund: Previous to pl's employment at def, he would pay the pension fund personally and when pl started working for def, def took it on like other pension payments. After def stopped payments due to their difficulties and the fund sent warnings to pl, def's director told pl something to the effect of "Don't worry; it will be fine." Although eventually def made the payments (which is what def says the director meant), pl's loss in benefits is 35,179 NIS (calculated by an actuary).

No matter def's director's exact wording and intention, he violated lifnei iver (giving bad advice – see Rambam, Rotzeiach 12:14), as he had no reason to be confident that paying when def would get around to it would be fine. If they could not pay, they should have told pl, "Pay yourself, and we will reimburse."

Regarding financial compensation for such cases, the Shulchan Aruch (Choshen Mishpat 306:6) rules that one is obligated if he gave the advice either for a fee or he is not an expert in the field, but only if the recipient made it clear that he was relying on the advice giver. In this case, def is clearly not an expert in pension funds. It is not fully clear that def knew he was being relied upon, but the stronger implications are that they did or should have known. Therefore, we will make them pay 80% of the damage (but def has the right to bring an alternative actuarial calculation).

Def argues that since pl originally claimed the other elements and not this one, it shows that he was mochel (relinquished rights to) this claim. Beit din rejects this argument. Had def paid all of the other elements, then one could say that the claim he did not make was left out due to mechila. However, it is possible that the matter was a package deal ("pay the basics and you won't have to pay for damages"), and since def refused to pay, pl can now demand everything. Mechila either needs to be explicit or clear, but inconclusive lack of action is not considered mechila.

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Tzofnat Yeshayahu- Rabbi Yosef Carmel

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