



HEMDAT YAMIM

Parashat Hashavua Vayeishev, 23 Kislev 5783

Yosef's Connection to the Land

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Founder and President

Upon hearing the "news" of Yosef's apparent tragic death, Yaakov entered an extended period of deep mourning (Bereishit 37:33-35). There is a parallel episode relayed in Divrei Hayamim (I, 7:20-24). Ephrayim's sons, who were tending to their flocks in the Land of Canaan were killed by the people of Gat, and Ephrayim was in an inconsolable state. We will look further at this event and seek a connection to the upcoming holiday of Chanuka.

Menashe and Ephrayim, had a status in Egypt of princes, being the sons of Yosef, the all-powerful viceroy. This gave them access to Egyptian forces, which were in the practice of taking forays into neighboring areas in the Middle East, especially the Land of Canaan, which Egypt always saw as a satellite region. Therefore, Ephrayim and his children controlled land there and built cities (Upper and Lower Beit Choron and Uzen She'era) along the path leading from the lowlands to the approaches to Yerushalayim (see *ibid.* 24). It is interesting that it was a daughter of Ephrayim, She'era, who built these cities. Whoever held this region, controlled the approaches to Yerushalayim from the west.

Control of this region became more challenging when a new group called Plishtim entered the region from the Mediterranean islands. The previous Plishtim, with whom the forefathers interacted, were descendants of Cham, whereas the new ones came from Yefet. The latter also brought with them new technology in the use of metals, which gave them a tremendous military advantage. These new Plishtim lived mainly along the southern coastal region, based in the cities of Aza, Ashkelon, Ashdod, Ekron, and Gat. This gave them dominion over the main international road into and out of Egypt, along the Mediterranean coast.

Ephrayim's mourning, described in similar language to that of Yaakov over Yosef, is the result of the defeat of the forces of Ephrayim in an attempt to get to their flock in the Land. Indeed it was a family trait to feel connected to the Land, even when living elsewhere. Yosef, living in Egypt, described himself as kidnapped from the Land of the Hebrews (Bereishit 40:15). *Chazal* praised him for presenting himself in this way, which did not add stature to people in Egypt, and say that in this merit, he was interred in *Eretz Yisrael* (Midrash Hagadol, Devarim 31:14). His descendants continued his approach of connection to the Land, even when they were in Egypt. They tried to obtain control of the road to Yerushalayim, and this had an element of "the actions of the fathers are a sign for the sons."

There have been many battles on the road in question. After these sons of Ephrayim, a later descendent of Ephrayim, Yehoshua Bin Nun, upon entering the Land, defeated the kings of the southern alliance, including the King of Yerushalayim, in Ma'aleh Beit Choron (Yehoshua 10:8-14). Some 1,500 years after that, the forces of Yehuda Hamaccabee defeated the Greek Seleucid army in a battle in that same region, which ensured the spiritual freedom of Yerushalayim.

Yosef's great love for *Eretz Yisrael* continued in his direct descendants and throughout the Nation of Israel throughout its history. Unfortunately, not all of the nations have made peace with that fact. We will continue with all fervor to follow the path of Yosef, the sons of Ephrayim, Yehoshua, and the Maccabees.

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



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Ask the Rabbi

by Rav Daniel Mann

Lighting Candles when Staying at Another's House

Question: I am traveling to the US on Chanuka; my wife will be staying home. When I will be staying with family and/or friends, can/should I light there regularly?

Answer: The *gemara* (Shabbat 23a) states that an *achsenai* (guest) is obligated in Chanuka lighting. It then tells of Rav Zeira as a guest, who as a single man, would pay a small sum toward the homeowner's oil/lighting to be included in his lighting, and as a married man would fulfill the *mitzva* with his wife's lighting at home. This ostensibly gives you two valid options – 1. Fulfill your *mitzva* with your wife's lighting in your house; 2. Give money to your host so that his lighting counts for you. We add the option you suggest: 3. Light yourself at your host's house. We will investigate each before summarizing.

Wife lighting – The Shulchan Aruch (Orach Chayim 677:1) confirms that a traveler can fulfill the *mitzva* with his wife's lighting, but does not say if this is best. The Terumat Hadeshen (I:101) recommended, based on the idea of *mehadrin*, i.e., it is proper that everyone lights their own candles, that the traveling husband also lights where he is with a *beracha*. The Maharshah (Shut 85) says that if one knows his wife is lighting at home and he thereby fulfills his *mitzva*, he cannot choose to light with a *beracha*. Although we allow, based on *mehadrin*, the children of the house to light after their father already lit, which can fulfill their *mitzva*, many posit that *mehadrin* does not apply to a husband and a wife, because they form a more cohesive unit (Eliya Rabba 671:3). On the other hand, some say that this cohesiveness is only when they are together (see Terumat Hadeshen *ibid.*; Am Mordechai, Mo'ed 24).

A major factor, which was once rare and not discussed by early *poskim*, is the matter of time zones. When your wife lights, it will be the previous daytime for you, when you are not obligated in lighting. When your obligation comes along, can you say that you already fulfilled the *mitzva*, before the *mitzva* applied where you were, because it was the right time for your house (and for your wife)? In Living the Halachic Process VI, D-8, we referred to a major *machloket* on the matter, and leaned toward the opinion that it does not work (see Minchat Yitzchak VII:46).

Contributing toward the hosts – The aforementioned *gemara* and Shulchan Aruch confirm that this works when he joins up with the household of the home in which he is presently staying. Most say that the money is to acquire a part in the oil that will be lit, and therefore if he is given permission to lift it up (a *kinyan*) and acquire some, it suffices without paying (Mishna Berura 677:3).

Lighting yourself: There are opinions that it is better if the guest lights on his own than to rely on his part with the homeowner (*ibid.*). In Sha'ar Hatziyun (ad loc. 10), he explains that it is in deference to the opinion that, given that nowadays everyone lights, if the guest does not light separately, it looks as if he is not taking part in the lighting. However, it is far from clear that such a technical rationale for a separate lighting would justify a *beracha*. It is true that when all the members of the household light, all make a *beracha* even though they could be *yotzei* with the head of the household, but this might be because they have *kavana* not to be *yotzei* with those who lit before them (Shut R. Akiva Eiger II:13). While you could do this also, having in mind not to be *yotzei* would be risky. Not all agree that you can fulfill the *mitzva* yourself since you are not a member of the household (see Am Mordechai *ibid.* in the name of Rav Soloveitchik).

Recommendation: Give the *peruta* to your hosts and have in mind to be *yotzei* with the lighting and *berachot* done there. Light again, using the *berachot* to which you answered *amen* as the *berachot* for your lighting (without speaking between the *berachot* and your lighting), in case such a lighting is a worthwhile additional act of Chanuka lighting (see Mishna Berura 677:16).

“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@eretzhemdah.org to sign up (free) or for more information on joining the group.

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Igrot HaRe'aya - Letters of Rav Kook

How to Develop New Approaches in Eretz Yisrael's Rabbinat – #137 – part I

Date and Place: 12 Iyar 5668 (1908), Yafo

Recipient: Rabbi Yitzchak Isaac Halevi. We have already seen letters between the two on the topic of Rav Kook's planned *yeshiva*, but this presentation deserves to be seen.

Body: I feel a personal obligation to give you, blessed, honorable giant, a correct perspective about the truth of what we are toiling to achieve for the good of the Holy Land.

I see that in your letter, you call on the rabbis of the Holy Land to not hold back the smallest iota of their opinions, as if they are used to conceding their beliefs because of external influence. My master should know that this is not the case. If we search the whole land, we will not find people who stand by their opinions, regularly and precisely, like the rabbis of the Holy Land in regard to preserving proper religious outlook. Therefore, they do not need any encouragement.

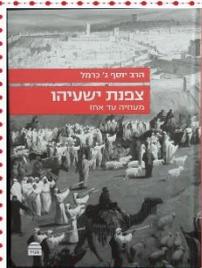
Our need now is actually in the other direction. We need to see the future and take steps to deal with the situation of Judaism in *Eretz Yisrael*, which is to a great degree the general Judaism of all of the Jewish People, and give it a strong basis for future generations. This is possible only by drawing new forces into the camp of those who hold on to the "tree of life" of Torah and belief. This requires a correct standing in life, by having people who are fit to function in society, which includes crucial knowledge about the world and important languages, while still holding on to the lofty light of knowledge of Torah on its highest levels, reaching knowledge of Hashem by broadening all elements of Jewish disciplines.

For this, we need to renew the way *yeshivot* operate. There is no way we will be able to make this change if we work with the existing institutions. Any attempt to do so would just be deception on both sides and would not bring the benefits and the spreading of the light of Hashem on Israel that we look forward to. That is why we must found a new *yeshiva*, specifically in the center of the New Yishuv, which is more in need of spiritual reawakening. Here we can get people to agree [on a plan of action].

The chief goal is that the elite students of the *yeshiva* can become rabbis for the new agricultural settlements, for they will know well the world and life, and they will be able to give over a spirit of knowledge, love of Torah, and true fear of Heaven for the settlements. The rest of the students will also be people who will possess charm and grandeur as befits those who are connected to Torah and interact naturally with others. The most talented can write books on topics of Torah and scholarship, which is needed for service of Hashem in our generation, in order to return to the Name of Hashem, *Eretz Yisrael*, and the Jewish People their proper honor. Those with a talent for pedagogy can become good teachers, who are respected in society, full of the light of healthy life and a strong spirit of Judaism and full belief in Hashem. In that way, they will be able to stand in the great breach caused by the new educational system, which is in the midst of swallowing up all that is holy.

Along with that, we must found workshops and schools for agriculture, which are full in the spirit of Torah and belief in Hashem, with knowledge and good reason, with a pure desire to make the soul and the Jewish body in *Eretz Yisrael* healthy. This must wait to be put into action until after the main *yeshiva* is founded.

We will continue next week.



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

Damages of the Building of a New Neighbor's House – part I

(based on ruling 81015 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The plaintiff's (=pl) house has been next to an empty lot in a *yishuv* (=yis) for many years. Recently the defendant (=def) bought that empty lot from yis and built; he is awaiting an occupancy permit. Pl claims that the building damaged his property in a few ways, and pl and def have complaints over yis' handling of the situation. Def also has counterclaims against pl. [We will discuss specifics in installments.] Long ago, pl built an access ramp to his house (needed due to his mother-in-law), extending into adjacent public property (slated for parking, according to yis' plans) and blocking access to def's parking area and delaying def's occupancy. Pl claims that he received an oral promise of permanent control from yis before building the ramp. A cliff overlooks the two properties, and it has a cave used by pl. Pl claims that def's building caused the cave to collapse and made parts of the cliff unstable, requiring pl to hire workers to protect his property from rock fall, and he demands reimbursement of 19,800 NIS. Another *beit din* already obligated def 12,000 NIS on the matter, but the sides dispute what that covers.

Ruling: The director of yis when pl built the ramp testified that he never gave people like pl permanent permission to use property outside the planned, mapped boundaries, but only permission to use the area until it was needed for its main purpose. Pl argued that he would not have spent tens of thousands of NIS for something temporary. However, considering that the cost should only be in the thousands, that pl got to use it for many years, and that there was a special reason for the investment (mother-in-law), this is not a proof that can stand on its own against the written plans and the director's testimony. Therefore, the ramp must be removed without compensation.

Pl admits that def put a tractor and driver at this disposal for a day to remove the danger from the cliff, and that the driver worked according to pl's instructions. However, since pl is not an expert in such work, he later hired, after receiving estimates, an expert and a contractor to remove the danger. The other *beit din's* ruling of 12,000 NIS definitely covered destroyed property in the collapsed cave; the question is whether it also included remedying the situation. Since the ruling says that the sides should decide on steps to take along with yis, and, if necessary, return to *beit din*, it is clear that the ruling did not cover payment for the yet unknown steps.

The disagreement on in whose property the cliff is and the fact that the damage was indirect and was done by workers could influence def's level of obligation. However, since def's contract with yis states that the homebuilder must pay for any damage his building caused to yis or any of his neighbors, def obligated himself to pay under these circumstances without quibbling over legal details. This provision cannot be viewed narrowly to apply only to things the law/Halacha already obligate. However, because it is unclear that def's work caused the cliff's lack of stability and because pl should have gotten the job done for a lower price, we will obligate def 8,000 NIS based on compromise.

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