



HEMDAT YAMIM

Parashat Hashavua

Pinchas 19 Tamuz 5783

Harav Shaul Israeli zt"l
Founder and President

War and Peace
Harav Yosef Carmel

Not only should the righteous receive reward for their actions, but it is proper that the reward fit the actions! We know that David Hamelech was unable to build the *Beit Hamikdash* (according to Divrei Hayamim I:28:3) because he shed blood – even though that was in the context of just wars. We also find that metal tools could not be used in the building of the altar (Shemot 20:21) because of the lack of harmony between an altar, which exists to lengthen people's lives, and metal, which so often shortens people's lives.

Nevertheless, Pinchas received a surprising reward for his zealotry. He killed Zimri and Kozbi, who had been publicly sinning together, and received the ability to serve as a *kohen* (according to one opinion, this had eluded him because he failed the chronological requirements of the first generations of *kohanim* (see Zevachim 111b)). Even if Pinchas' zealotry was praiseworthy, is receiving the honor that enables him to help bring atonement for others, the appropriate reward?

First, we should notice that the Torah stresses that the direct result of Pinchas' zealotry was life rather than death. The *pasuk* says: "He stabbed both of them ... and the plague ceased" (Bamidbar 25:8). Likewise, in *p'sukim* 11 & 13 Pinchas is described as the one who "atoned for Bnei Yisrael," so that *kehuna* is an appropriate task for him.

We can still ask whether Pinchas' zealotry did not have an element of violence to it. The Netziv notes that Pinchas was blessed with a covenant of peace (ibid. 12), whose role it was to protect him from any influence of the negative elements of violence that can be expected even when its context was proper.

But why did Pinchas deserve this unusual type of protection? The Netziv infers from the *p'sukim's* description of Pinchas' zealotry that it was done totally and only for the sake of Heaven. But what does that mean? Would we have expected that Pinchas had some type of old ax to grind with Zimri?!

If a regular righteous person acts forcefully to a desecration of Hashem's Name, certainly his essential motivation is for Heaven's sake. However, on some level, part of his reaction is in the inner feeling that an affront to his religion is an affront to him. It is, therefore, difficult to testify about him that he acted like Pinchas – bereft of all personal interest.

Since we are not on the level of Pinchas, we must always recognize the likelihood of the infiltration of personal interest into our reactions and therefore weigh and reweigh whether they are appropriate. Let us always try to strengthen the side of "for Heaven's sake" over that of personal interest. (In the past, we saw that even under these ideal circumstances, Pinchas' actions did cause him significant negative results.)

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Ask the Rabbi

by Rav Daniel Mann

Sheva Berachot during the Three Weeks

Question: A friend, who made *sheva berachot* for me, is getting married a couple of days before Shiva Asar B'Tammuz. When I offer to make *sheva berachot*, should I try to arrange it before the Three Weeks? If it is during the Three Weeks, are there any limitations?

Answer: The Rama applies some of the Nine Days' restrictions to the Three Weeks. The Mishna Berura (Orach Chayim 551:18) rules that an engagement party during the Three Weeks can include a *seuda*, but he forbids dancing at it (ibid. 16).

The *chatan/kalla's* week of festivity is important enough to compromise significant *halachot* (see Ketubot 4a and Sukka 25b). Whereas the greatest obligation to create *simcha* is the *chatan's* toward the *kalla* (see Shulchan Aruch, Even Ha'ezer 64:1), participants in the festive meals (*sheva berachot*) fulfill a *mitzva* (see Mishneh Halachot VI:109). All *poskim* agree that when the wedding was done at a permitted time, the subsequent *Sheva Berachot* period is fulfilled essentially normally. While there is likely not a need to do *sheva berachot* each day (see our article from Ki Tisa 5782), we do not avoid doing them during the Three Weeks. Therefore, you should not try to pass on this *mitzva* to someone else.

The only plausible limitations on food are on meat and wine. Obviously, this does not apply before the Nine Days (see Shulchan Aruch and Rama ibid. 9). Even during the Nine Days, it is permitted at a *seudat mitzva* (see Rama ibid. 10).

The question that is debated is whether at the *sheva berachot*, there should/can be music and/or dancing, which is forbidden during the Three Weeks. Does the *seudat mitzva* justify it more than it does at an engagement party (see our article, Matot 5779)? At a wedding, music and dancing are fundamental enough to the *simcha* to enable halachic leniencies (see Rama, OC 338:2; ibid. 560:3). Musical instruments and dancing are far less important at *sheva berachot*, as finds expression in the scarcity throughout the year (beyond simple singing and "shuffle dancing").

Mishneh Halachot (ibid.) reasons that considering the halachic clout of *Sheva Berachot* (see precedents above), the *aveilut* practices of the Three Weeks regarding music and dancing should not curtail the *simcha*. *Poskim* cite Rav Moshe Feinstein along the same lines (see Nitei Gavriel, Nisuin 108:2; Hanisuim K'hilchatam 15:11). On the other hand, some forbid musical instruments and dancing (see cryptic passage in Shevet Halevi III:157). Some allow dancing but not musical instruments (see Avnei Yashfei I:113, apparently in the name of Rav Elyashiv).

It is likely that the *machloket* is not about how seriously to take the *simcha* of the *Sheva Berachot* celebrating. Rather, another question is whether to view abstention from music and dancing in the Three Weeks as a full *halacha* or a weaker *minhag* (see Mishneh Halachot ibid.). If so, one might distinguish between live and recorded music, the latter being seen as a weak *minhag* or maybe even permitted, at least, for a cappella. Another point of disagreement may be on how important music/dance is at *sheva berachot*. If most *sheva berachot* organizers give little thought to music/dance, it seems callous to our national mourning to go full force during the Three Weeks.

The night of Shiva Asar B'Tammuz is tricky. There are indications that it is more lenient than the rest of the Three Weeks, as *minhagei aveilut* might begin only with the actual fast in the morning itself (Igrot Moshe OC I:168 allows a wedding that night in a case of need). However, there are also indications that a fast day, even at night, is more stringent than the Three Weeks (see Avnei Yashfei ibid.). In the final analysis, one can treat it like the rest of the Three Weeks.

In summary, if music and/or dancing enhances the *chatan's* and/or *kalla's* *simcha*, it should not be avoided at *sheva berachot* during the Three Weeks. If it is not of interest, it is best to avoid any more than singing and shuffling. If the couple will have some "*musical sheva berachot*" and some not, it is best for the former to be before the Three Weeks.

"Behind the Scenes" Zoom shiur

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Igrot HaRe'aya - Letters of Rav Kook

Jewish Art – The Positive and Halachic Care – #158 – part III

Recipient: The heads of the Betzalel organization for Jewish art. The head of Betzalel, Boris Shatz, had been a yeshiva student before studying sculpture, which puts the style of the letter in perspective.

Body: *This piece relates specifically to halachic concerns within the realm of art, which Rav Kook raised for Betzalel to adopt.*

Our ancient nation came into the world and found humanity in a state of wild childhood, with a wild sense of emotion, missing delicateness and refinement, which was conquering the world. Beauty itself was in danger of becoming, in the hands of the unrefined masses, some sort of fatty cake and intoxicating drink, making it important that it also “ingested” from the grandeur of intellectual truth and morality.

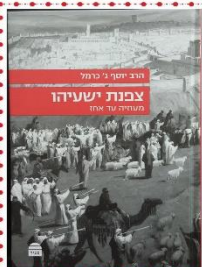
Paganism, with all of its abominations, rested its blood-dripping hands on the pleasant flower that is beauty and art, and it almost succeeded in severing it from its purity. The Nation of Israel did its part, using the strength and grandeur of the truth that was revealed to it, as flashes of light in the valley of darkness, to save the pleasant rose, the gentleness of beauty. This prevented its being totally trampled, crushed, and defiled by the coarse hand of repulsive paganism.

“Hashem came from Sinai and shone forth from Se’ir; He appeared from the Mountain of Paran” (Devarim 33:2). He did this with a right hand that pushed [sinfulness] away and a left hand that drew [the sinners] closer. “Do not make before Me gods of silver and gods of gold” (Shemot 20:19). “Do not make for yourselves an idol” (Shemot 20:3). “You shall not make for yourselves molten gods” (Shemot 34:17).

It goes further than that. The *pasuk* (Shemot 35:30-35) says, “See that Hashem called out in the name of Betzalel ben Uri ben Chur of the Tribe of Yehuda, and He filled him with the spirit of Hashem, with knowledge, wisdom, and understanding, and the ability to do all sorts of craftsmanship, and the ability to weave and work with gold, silver, and copper, and the engraving and filling of stones, to do all sorts of work of artisanship. And He put in his heart to instruct others, both he and Ohaliav the son of Achisamach of the Tribe of Dan. He filled them with knowledge of the heart to do all work of carpentry and tapestry, and embroidering with blue and red dye and linen and to weave, those who do all artisanship.” [Thus, it suffices to avoid using art for bad, as there is a strong tradition of using craftsmanship for the holiest matters, such as the *Mishkan*.]

Even after the great victory, as Judaism has come close to defeating paganism on the cultural stage of the world, one element has been left within [the religious life of] Israel, which is mandated by the pillar of its national existence, the written and oral Torah. Admittedly, this element is now “shorter” in the measures of the wisdom of religious instruction related to the needs of life, in the proper realistic and philosophical realm. [In other words, our religious energies these days are not as focused on avoiding idol worship as they were for Jews thousands of years ago.] Nevertheless, in the shade of this singular factor, which will always remain throughout history, there still remains a great spiritual element, which will give expression to our victories over paganism in the past and the great aspirations for the future.

Next week we will finish this letter.



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

Realty Fee Without a Contract – part I

(based on ruling 82137 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The plaintiff (=pl) is an agent who operated on behalf of the defendants (=def) in two acquisitions, six months apart. Def and pl are hard of hearing, which has a bearing on the case. Pl had def sign a standard agent's contract, but it was void of all the pertinent details, which pl filled in later. Def bought the second apartment for 2,425,000 NIS and pl demands 2% on that. Def claims that they were not able to see what they were signing and that pl had said that it was a request of a discount for the purchase (pl denies that). Def had paid pl for the previous purchase and claimed that they thought there would be no further charge for the second apartment, which made sense considering they had told pl about the project. Def countersued for return of money from the first deal, in which they had signed two documents, one for assistance in the transaction process (10,000 NIS) and another, a standard 2% agents fee to try to sell their previous apartment. Def claim they did not agree to the extra service charge and want the amount they paid returned.

Ruling: We find that pl was the effective factor in the purchase of the second apartment. Although def were aware of the project in which it was bought, they decided to engage pl to find a specific apartment that met their unique needs. If it had been so clear that they were going to buy in that project, they would not have gone to see several other apartments with pl. Pl was involved in ironing out many details and was also involved in negotiations and def's signing.

We also do not accept the claim that payment on one transaction should have exempted def from payment on another. The acts an agent takes are unique for each transaction.

The matter of realization of what they were signing is more complicated. In general, we do not allow one who signed a document to claim that he did not know what he was signing (Shulchan Aruch, Choshen Mishpat 45:3, based on the Rashba). However, the Mahariaz Angel (79) says that the Rashba was referring to a case where the document was written by a third party, whom we can assume the signer accepted and obligated himself to that which was written there. However, if a party to the document wrote it, we do not assume that the signer's agreement is open-ended.

In this case, we have been convinced that def are capable of obligating themselves financially, despite their need to communicate by sign language. However, it is natural that in matters that are out of their regular involvements, they need help in processing and that they put their trust in pl, a professional with similar problems to theirs. Although the sides differ about exactly what def were told about the document, pl admits that he did not explicitly tell def about the extent of the obligation it could represent, as he should have. This is significant especially when coupled with the fact that the agent's contract was not as specific as it is supposed to be.

We continue next time with the deficiencies of the agent's contract.

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Ori Leah bat Chaya Temima

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Neta bat Malka
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