



HEMDAT YAMIM

Parashat Hashavua

Vayeishev, 26 Kislev 5784

Harav Shaul Israeli zt"l
Founder and President

On Unity, Listening, and National Healing

Harav Yosef Carmel

A *chalom* (dream) can cause *halchama* ("soldering" together) between those who share it; dreams can also cause *milchama* (warring) and hatred.

Yosef's dreams aroused his brothers' hatred (Bereishit 37:4-5). The big question is why Yosef was not concerned that his dreams, representing his brother's bowing down to him, would cause great discord. This not only precipitated, in his personal life, his being sold as a slave, but also historically is linked to the division of the unified Kingdom of Israel into two kingdoms in the time of Rechavam and Yerovam. *Chazal* also connect this event to the destruction of the two Temples.

In the past, we discussed the approaches of the Rosh and Abarbanel. We will, this time, reread the Torah's account of the interaction with new sensitivity. Yosef started the story of the dream with, "We were tying sheaves in the midst of the field, and my sheaf got up and was erect, and your sheaves turned and bowed down toward my sheaf" (ibid. 7). Yosef's brothers reacted harshly: "Shall you be king over us, or have dominion over us?" (ibid. 8). Reacting to his second dream about the sun, moon, and eleven stars bowing down to him, Yaakov scolded Yosef for his dream's implications (ibid. 10). The stress of the brothers' criticism was their understanding that Yosef would **take steps** to subjugate and control his family.

However, Yosef had a different, even opposite, intention. He was trying to give a message of unity, reconciliation, and repair of the existing strained relationship (stemming from his special garment and reporting of their misdeeds). He spoke about "*anachnu*" (we), as Avraham had spoken to Lot (see ibid. 13:8). He meant that even though we are different and have different roles, we were together in the field.

Unfortunately, it took a long time for the brothers to internalize the positive in Yosef's presentation. After remembering Yosef's dreams, during the brothers' unknowing meeting with him in Egypt, they told Yosef, with an unnecessary usage of the word *nachnu* (short for *anachnu*): "We are all the sons of one man" (ibid. 42:9-11).

Going back to Yosef's first dream, they were not just together but tying sheaves in the field. Sheaves symbolize connection and unity, and the field represents, in kabbalistic thought, service of Hashem. Yosef's message was that if they would work together in the service of Hashem, they would merit a divine revelation. (Yosef described his sheaf as *nitzava* (standing up), which, we have discussed, is a hint of Divine Presence (see Shemot 19:17; 34:5).). Yosef was careful in his presentation of the bowing down; he was not forcing them to do it, but they decided to do so of their own volition. True, it was he who would be the leader of this joint service of Hashem.

Unfortunately, Yosef's vision for the future was not well received. Yosef said one thing; his brothers and father heard another. There was not enough listening. It took many years for the dreams to be fulfilled and for the family to coalesce around Yosef, through which the eventual liberation from Egypt would occur.

On Chanuka, the festival of unifying lights, we pray for effective discussion within the State of Israel, the beginning of our redemption. May we learn how to listen to each other and fulfill unifying dreams together!

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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

When to Say *Haneirot Halalu*

Question: When do we say *Haneirot Halalu* ... (=Hnhl), when one person lights and when several light?

Answer: The earliest source of the practice to recite *Hnhl* is Massechet Sofrim (20:4), an early, post-Talmudic work. While many early *Rishonim* (including the Rambam) do not mention the practice, the Maharam Meirutenburg and his students (see Rosh, Shabbat 2:8) helped make it mainstream, so that it is accepted by the Shulchan Aruch (Orach Chayim 676:4) and practiced by all *eidot*.

The recitation's timing is debated. Massechet Sofrim seems to present it (see Bach, OC 676) as being said after the *beracha* of *L'hadlik ner* ... as an accompanying "condition," before *She'asa Nissim* and *Shehecheyanu* (perhaps before or during the lighting). This diverges greatly from normal rules of *mitzvot/berachot* (see Shut Maharil 145).

The Shulchan Aruch describes it as after the *berachot* and lighting, but does not say after how much lighting. The Maharshal (Shut 85) posits that *Hnhl* is after the first candle, which is the main *mitzva*. The Pri Megadim (676, MZ 5) demonstrates that the *beracha* relates to all of the candles, and therefore sees it as a problematic break before the *mitzva* is complete. The main answer is that after a *beracha* takes effect on the beginning, primary fulfillment of the *mitzva*, speaking to help enhance the continued fulfillment of the *mitzva* is fine. This concept finds expression regarding *bedikat chametz* (Shulchan Aruch, OC 432:1; Mishna Berura 432:6) and *shofar* blowing (Shulchan Aruch, OC 592:3; Mishna Berura 592:14). The Mishna Berura (676:8) cites both opinions (after the first candle, after the last) as legitimate, but the main practice (which the Pri Megadim concedes), is to recite *Hnhl* after lighting the first candle, accompanying the lighting of the other candles.

I did not find *poskim* discussing multiple lighters. Does each lighter recite *Hnhl* in its regular place, or is there one recitation and when? Let it be clear that regarding this far from critical practice (see Aruch Hashulchan, OC 676:8), there are many legitimate and practiced permutations on timing, and I do not mean to oppose them. We will focus on what logic based on the concepts may suggest, rather than what one **should** do.

The basic content of *Hnhl* is twofold: 1. The candles are an expression of thanks to and praise of Hashem; 2. The candles may not be used for another purpose other than looking at them. This may suggest that a main goal of *Hnhl* is to remind oneself/others not to benefit from the light because the candles were lit for the *mitzva* (see Moadim L'Simcha II:4). According to that, reciting *Hnhl* after the first candle could be to reduce the chance of benefitting at that stage. If so, the first person likely should recite it out loud after his first candle. However, it seems more likely that the recitation's main purpose is to put the lighting into perspective – it is instituted to praise Hashem for saving our ancestors in their battle against the Greeks (ibid.; Minchat Shlomo II:58). According to that, it is done after the first candle to give correct perspective in the midst of the lighting. Since we do not recite it before the lighting but as we are doing it, it makes sense that everyone recite it as he lights.

Presumably, either way, we would not want to wait until the last lighting to recite *Hnhl*, which many people do (Harav Mordechai Willig told me he recommends saying it only after the last person lights his first candle.) The idea of waiting can be justified by the concept that the lightings constitute a joint lighting of the household. One such indication is that one candle for the household is essentially enough; another is the Rambam's opinion of *mehadrin min hamehadrin* (Chanuka 4:1; admittedly, few do so) that one person lights candles corresponding to the number of people in the household.

While all permutation are fine, the following appeals to me – the first lighter recites it out loud for all; other lighters recite for themselves; at the end, all (including any non-lighters) do it festively.

"Behind the Scenes" Zoom shiur

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Igrot HaRe'aya - Letters of Rav Kook

Preparation for *Shemitta* – #177 – part II

Date and Place: 1 Tevet 5669 (1908), Yafo

Recipient: This is a public letter to the residents and farmers of the agricultural settlements of *Eretz Yisrael*.

Body: We saw last time the beginnings of a short overview for the rationale of the *heter mechira* (sale of agricultural lands to non-Jews to allow agricultural work to go on during the *Shemitta* year).


Much of the leniency is based on the great need and the inability to fulfill all of the *mitzva*'s details. This is the situation until Hashem will look down and see His nation's anguish, return all of His nation to His Holy Land, and decree blessing upon us. Then people will not be forced to look to the distance and sell the produce of the Land outside the boundaries of the Land. (It is forbidden to send produce with sanctity of *Shemitta* outside *Eretz Yisrael*.) Then "Land's rest" will be clear on the holy soil, when all the inhabitants of the Land will be His sons, the sons of Israel and Yehuda. They will be connected to the affection for the Holy Land, a connection of love within an atmosphere of plenty and tranquility, as people live in security in the Land. Divine Providence will then be seen openly, as Hashem will send His blessing in the sixth year so that it will provide triple the normal yield, based on Hashem's good word, which never comes back empty. At that time, it will be possible to keep the laws of *Shemitta* exactly as they are written, which is impossible now.

The very idea [of the *heter mechira*] is not only beneficial in removing the prohibitions, but it is also a fulfillment of the dictate "It is a *mitzva* to listen to the words of the sages" (Yevamot 20a), which applies in every generation, whoever the nation's leaders are. [Through the process of administering the sale], we cause *Shemitta* to be remembered, so that awareness of *Shemitta* will remain. That way, when Hashem will bring goodness to His nation and raise our stature on the holy soil, we will be able to fulfill with love all of the laws of *Shemitta*, it will already be clearly in the experience of the nation, and fathers will have already taught it to sons. This remembrance (through the sale) will be kept alive during every *Shemitta* cycle in which we need to sell the fields due to the type of difficulties we are experiencing now.

The following is our best advice. Since most halachic experts have ruled that the laws of *Shemitta* apply only to the land of a Jew and not of a non-Jew, they have decided to do a halachically valid sale for all of the fields, including their trees, as we need to cultivate them and make use of their fruit like during a regular year. The sale must be in force for a period of time that includes the *Shemitta* year. Thereby, when according to Torah law, the fields and their vegetation will be owned by a non-Jew, the obligations of *Shemitta* will not apply, as the great rabbis of previous generations decided. (There is a halachic dispute between the Beit Yosef and the Mabit whether the sanctity of *Shemitta* applies even to non-Jewishly owned land in *Eretz Yisrael*. Rav Kook posits that the consensus is that it does not apply). Although Jews will then be representatives of the non-Jew, based on the stipulation of the sales document, to allow the regular Jewish owner to work in the fields during *Shemitta*, since the fields will be owned by the non-Jew, the laws of *Shemitta* will not apply to the produce.

I, along with the great rabbis of the rabbinical court of Yafo and the *moshavot*, saw that the status of the Jewish community at this time still requires that we use the lenient ruling that was made by holy rabbis at its time (the first widespread use of the *heter* was 21 years earlier). Therefore, we have agreed with our authority as a *beit din*, to use the same mechanism for the upcoming *Shemitta* year.

We will continue next time.



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

Paying Damages for a Biting Dog

(based on ruling 83033 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The plaintiff (=pl) was bit by the defendant's (=def) dog, which resulted in, beyond ripped pants, a wound that required shots and caused great pain and several days of missed work. Def apologized and offered 5,000 NIS compensation. (There were conflicting claims about how careful def with his dog). Pl demanded 13,300 NIS (mainly for missed work and pain), and, as a result, def rescinded his offer.

Ruling: There are five possible elements to be compensated for regarding damage to a person – 1. *Nezek* – permanent physical damage; 2. *Shevet* – work missed during recuperation; 3. *Ripuy* – medical expenses; 4. *Tza'ar* – pain; 5. *Boshet* – embarrassment from the damages. When the damage was caused by a person's animal, only *nezek* is paid (Shulchan Aruch, Choshen Mishpat 405:1). If the animal damaged maliciously, the payment is only half of the damage. Furthermore, such payment is considered a *k'nas* (penalty) unless that animal attacks maliciously on a regular basis, and the rule is that in our days, *beit din* cannot obligate payment for a *k'nas*. Halachic sources (see Shulchan Aruch, CM 395:1) and experience (in Israel, a few hundred dog attacks are reported per year) indicate that dog bites are not common enough to warrant a normal payment obligation. In this case, *nezek* is only to the pants (200 NIS), half of which is 100 NIS of *k'nas*, whose payment, as mentioned, is difficult to obligate in our times.

There are sources about *beit din* obligating payment for *k'nasot* based on *minhag*. The Shulchan Aruch (CM 1:5) talks of putting a person in *niduy* until he appeases the person he wronged. However, it is difficult to do this beyond the amount the Torah obligates when there are fully empowered *batei din*.

Even in our times, it is possible to impose extra-judicial payments to deal with problematic situations (ibid. 2:1), and one can argue that a dog attack is such a case. However, it is difficult for an arbitration-based *beit din* to do so, especially when the dog owner did not act recklessly. While one who signs our arbitration agreement enables *beit din* to obligate over matters for which there is only a moral obligation to pay, this would not justify significant payment here.

The valid grounds for payment in this case is *dina d'malchuta* (law of the land), as par. 41a of the Regulations of Damages calls for payment for damages caused by one's dog, even if the owner was not negligent in his supervision. As this is a response to a legitimate need to deal with a disturbance to society, it falls into the cases where our *beit din* accepts *dina d'malchuta* as halachically binding. In a society with a dense urban population, it is not an inherent right to raise a potentially dangerous dog. Just as society expects those who have cars to be insured to pay for extensive damages, so too society demands of those who decide to have dogs, to pay in a complete manner for their damages.

In this case, pl did not prove actual damages to the extent he claimed. Our calculations of realistic damages (especially missing work and pain) come to around the amount def originally agreed to pay (5,000 NIS), which is what we rule.

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