



# HEMDAT YAMIM

חֵמְדָּה יָמִימִים

## Parashat Hashavua

R'ei, Av 29, 5785

Harav Shaul Israeli zt"l  
Founder and President

### “All Creation Will Know” – part III

Harav Yosef Carmel

An old tradition tells us that the important prayer *Aleinu* was written by Yehoshua bin Nun when Bnei Yisrael entered *Eretz Yisrael* (see Rashi, Megilla 14a). The second part of *Aleinu*, “*Al ken nekaveh ...*” discusses at length our desire that the whole world shall come to glorify and serve Hashem in a deep manner (“to perfect the world with the kingdom of the All Powerful,” “before You all knees will bend,” “they will all accept the yoke of Your kingdom,” ...).

We should fully appreciate the loftiness of Yehoshua’s vision, some 3,500 years ago, when the world was at such a low spiritual level, to anticipate a perfected world, with all the nations joining us in service of Hashem. To the average person, this would have appeared unfathomable!

In our generation, that of the beginning of the ultimate liberation, we need to act on two planes:

1) We need to strengthen the already-existing movement of non-Jews who want to keep the seven Noahide *mitzvot*. (We commend Rav Uri Cherki’s exceptional work with Noahides.) These groups of good people use these *mitzvot* for doing their part in making the world a place of justice and respect for human rights. Such people also appreciate *Am Yisrael*, who accepted upon themselves 613 *mitzvot*.

2) We should encourage additional converts, who are truly and fully interested in joining *Am Yisrael* for the right reasons, not for benefits such as economic advantage in Israel. It is important to learn the halachic sources on this matter seriously. On the one hand, *Chazal* set as a rule that it was wrong to accept converts in the times of David and Shlomo, due to concern that people were motivated by fear and awe of the kingdom’s grandeur/success, respectively (see *Yevamot* 76a). Commentaries ask from a different *gemara*, which states that 150,000 converts joined Bnei Yisrael at the time of David. The *Maggid Mishneh* answers (see language of Rambam, *Isurei Biah* 13:15) that those converts were accepted by improperly trained courts. This is a difficult answer, as there is no hint to this distinction in the *gemara*.

What happened to all of those converts? In *Shmuel II*, the *navi* tells of a harsh famine, and David received a divine message that it was because of the complaints of the Givonim, some of whom Shaul had killed during his reign. When David tried to appease them, they demanded to take revenge through the killing of a number of Shaul’s family members. The *gemara* (*Yevamot* 79a) justifies the unusual steps taken against the royal family because the Givonim had joined Bnei Yisrael, albeit through trickery, after being impressed by the miracles Hashem did for them at the time of Yehoshua. It says that the reason the bodies were hung publicly for an extended amount of time was to demonstrate how seriously Bnei Yisrael took the responsibilities toward converts. We see that even at the time of David, converts existed and their concerns were addressed.

Regarding the contradiction, the *Ritva* says that while there was concern that people would convert for the wrong reasons, when one proved they were doing so for the right reasons, they were accepted. In our days as well, when candidates demonstrate their sincerity, they are to be warmly welcomed and protected.

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R' **Yitzchak Eizik Usdan** z"l ben Yehuda Leib Av 29  
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# Ask the Rabbi

by Rav Daniel Mann

## Using Replacement *Mezuzot* When They Are Being Checked?

**Question:** I want to bring my *mezuzot* to a *sofer* for a periodic check. Should I try to get replacement *mezuzot* until they return?

**Answer:** The argument to have them – *Mezuza* is a Torah-level **obligatory** *mitzva* for one living in a standard house, applying as long as he lives there. Therefore, presumably one who is capable of fulfilling the *mitzva* without an interruption of hours or days (while it is at the *sofer*) should do so. There is even an opinion that if one's *mezuzot* falls on Shabbat, if he can spend the rest of the day somewhere else, he should do so (see discussion in Pitchei Teshuva, Yoreh Deah 285:1).

In practice – There is no need. One strong indication not to require replacement *mezuzot* is that since Halacha requires checking every few years (Yoma 11a) and classical *poskim* do not talk about replacements, it must not be necessary. This is bolstered by accounts of great rabbis who did not seek replacements (see Revevot Ephraim V:548 about Rav Moshe Feinstein, albeit apparently regarding a shorter check at home). One can suggest a proof by means of “reduction to absurdity.” If one may not be without *mezuza* for hours/days, then it should not be permitted even for seconds (where is the cutoff point!?), which would require you to put one up exactly as you remove the one to be checked, which does not seem plausible. One could deflect this by saying that the Torah requires it to be done close to right away, or perhaps that it is not prohibited to be without it, but one who can have *mezuzot* all the time is expected to do so in a normal amount of time.

There are a couple of explanations why one need not be concerned. Arguably, the *mitzva* is “for the life of living there,” so missing hours every few years for a good reason is considered a 100% fulfillment of the *mitzva*. After all, many understand that *tefillin* is a *mitzva* **all day** (see Be'ur Halacha to 37:1), and yet we suffice, for good reasons, with wearing them during *Shacharit*. We seem to be doing better than that for *mezuzot* even without replacements during checking.

Another possibility (see discussion in Shevet Hakehati I:273) is that there is a **special dispensation** made for the purpose of checking *mezuzot*, which is, after all, a halachic requirement (see Shulchan Aruch, YD 291:1). Perhaps we can explain that since it is not practical to expect everyone to have replacement *mezuza*, the practice of checking includes a dispensation from *mezuza* as long as is necessary for the checking. Some **possible** differences between approaches are: how fast one must act once the *sofer* has completed his work (see Rivevot Ephrayim *ibid.*, who thinks one should act promptly); order of action if the return of the *mezuzot* coincides with another *mitzva* (*ibid.*); whether it is a good thing to check the *mezuzot* more than Halacha requires (see Shevet Hakehati *ibid.*) or to do a check that takes longer.

Is there at least a voluntary preference to use replacement *mezuzot*? Although ostensibly “Why not?” there are a few drawbacks. Shevet Hakehati (*ibid.*) references a precedent regarding the laws of checking *mezuzot* that when we make it difficult to check, people push it off (see Rashi, Yoma 11a). We can add that it complicates the *berachot* situation. In Living the Halachic Process I:G-5, we discuss the *machloket* about whether to make a *beracha* upon returning the *mezuzot* after the check. If you put back different ones, or use replacements, it likely calls for *berachot* because *berachot* are impacted by the *mezuza* used (see Chovat Hadar 11:14). However, if one is exempt from having *mezuzot* during the check, there is an additional question whether a *beracha* is called for when putting up replacements (see Sha'ar Hatziyun 475:39). There is always the general question about how good an idea it is to act stringently when it is clearly not required (beyond our present scope).

Therefore, our recommendation is just to do what almost everyone does – not use replacement *mezuzot*. Exceptions can be when there will be a delay of several days or if the house will be left with no *mezuzot*.

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# Moreshet Shaul

(from the works of Hagaon Harav Shaul Yisraeli zt"l)

## A Crown and its Scepter – part II

Based on Siach Shaul, Pirkei Machshava V'Hadracha p. 294-5

*We continue with the draft of Rav Yisraeli's speech for his installation as rabbi of Kfar Haro'eh (Chanuka 5698, 1938).*

A position, which is both lofty and of great responsibility, has been placed upon me. I enter into the task of fulfilling it with holy trembling. It is a miniature of the role that requires a person about whom Moshe Rabbeinu prayed: "May Hashem place [a leader to replace Moshe] ... one who will go out before them and return before them" (Bamidbar 27:16-17). Moshe was referring to a person with a special spiritual side, broad vision, and the ability to elevate himself so that he not get bogged down by the daily trifles. He must be one who does not forget even for a moment the lofty goal for which he was aiming, while at the same time going out and coming back before the people. This elevation must not just be for himself but also to influence his surroundings. This is a special ability to connect to every individual, to encourage the entire congregation to elevate themselves and progress.

The position is currently particularly difficult, as it is a time of systemic breakdown and change in the manner of living, which had previously been stable for many generations. As Divine Providence made a long series of twists and turns, we find ourselves standing before the revelation of the elusive End of Days. The nation is prepared, by the tens of thousands, to return to its Homeland and dedicate itself to its soil. The nation is prepared to pour its lively lifeblood into the clear "sinews of the earth." It is prepared, even though much hatred abounds, and there are great critics of the movement. Although the "train of liberation" encounters many impediments along its path, if the path is difficult and the obstacles are large, the word of Hashem, which speaks of liberation, is stronger and harder.

Our settlement of the land comprises a special chapter in this historical movement. It places a seal of a holy religion over the national awakening. It desires to reestablish a living nation in its Land, not only so that it can be in that way a nation like other nations, but to do so as Hashem's nation that resides in Zion. This attempt to create a life of action and work raises many questions and presents many challenges. It is life that is linked closely to the Land on the basis of a precise family tradition. The days are days of forming a mold of a settlement that can serve as a prototype for future generations; we call on this to be formed on the basis of belief in Hashem, sacrifice, and a warm spirit.

Specifically at such a time of great consequence, the responsibility that comes with this position has been thrust upon me. I find myself unable to elevate myself to the required level. We have no choice but to recall the divine response (see Rashi to Bamidbar 28:2) to Moshe's prayer for a new leader: "Before you command Me what I need to do for My children, command My children what they need to do for Me (i.e., the daily sacrifices)."

With the flame of belief, which is drawn from the tops of mountains of old (see Devarim 33:15), we will carry in our midst the clear realization that the form of life that is built on the foundations of the Torah needs to be found. The condition for success in this Land in which Hashem's eyes are placed (see *ibid.* 11:12) is that the life must be in line with His Torah. We must remember and know that the laws of the Torah are specifically those upon which we can become one with the Land. They are the way we live our lives. If we encounter difficulties and experience tribulations, we must not look to extricate ourselves by removing the yoke of the Torah, but, to the contrary, to cling to it more strongly. We need to know how to offer our sacrifice properly and thereby pass the tests. Then we can disperse the fog that conceals Hashem's providence. Hashem's glory will be upon us and "His arrow will emerge like lightning" (Zecharia 9:14).

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

**Itamar Chaim ben Tzipora**

**Nir Rephael ben Rachel Bracha**

**Arye Yitzchak ben Geula Miriam**

**Tal Shaul ben Yaffa**

**Ori Leah bat Chaya Temima**

**Neta bat Malka**

**Meira bat Esther**

**Together with all *cholei* Yisrael**

# P'ninat Mishpat

## Benefit from Unsolicited Efforts of the Plaintiff

(based on appeal of ruling 82138 of the Eretz Hemdah-Gazit Rabbinical Courts)

**Case:** The defendant (=def), a non-profit, had run a yeshiva for years and did not want to continue due to financial and educational difficulties. They negotiated with the plaintiff (=pl), another educational non-profit, to have them take over the yeshiva at its location and pay rent to def. A written agreement was signed in June 2022. After starting to enter the educational sphere and preparing, physically and educationally, at the end of the 5782 “academic year,” pl informed the students’ parents soon before the 5783 academic year that pl would close the yeshiva. [Our presentation of part of the appeal deals with the following element.] Pl demands to be paid for the outlays they made on behalf of the yeshiva, especially in staff salaries during the summer of 5782.

**Abridgement of First Court Ruling:** Testimony indicated that while the yeshiva’s survival was questionable, pl made improvements that increased its viability, which may warrant def’s compensation. However, since def had spent a lot to keep the yeshiva operating, they were unwilling for further investment. This makes it like the Talmudic case of a field not made for planting (Shulchan Aruch, Choshen Mishpat 375:1), where clear benefit from the actions appears lacking. Additionally, the Rashba (Shut VI, 111) states that if the recipient explicitly refuses to pay for claimed benefits (as written in the agreement), he is exempt. While some say there is still payment when there is clear benefit, this is not the case here.

**Claims of Litigants on this Point:** Pl argues that the yeshiva could not have survived without the improvements, and that they paid to make a “camp” for the students during vacation because this was something the yeshiva owed to the students.

**Appeal Ruling:** The agreement prescribes pl’s work as beginning after summer break so that nothing pl did is governed by agreement, but by providing benefit. The Rashba (ibid.) rules that if one tells one who is about to do something on his behalf that he is not interested in the benefit he plans to do, he is exempt from paying for it, and it is clear from the Rif and other *Rishonim* that one cannot force benefit and compensation for it on someone. In this case, pl admitted that def told him not to make expenditures, and they also did not end up helping.

Regarding the expenditures for the “camp,” even if def was obligated to make them, the rule is that when Reuven pays Shimon for the loan that Levi took from him, Levi is not required to pay Reuven (see Shulchan Aruch, Choshen Mishpat 128:1; see Shach ad loc. 5).

Although pl claims that he outlaid the money because def gave him reason to rely on him (*histamchut*) that there would be a yeshiva, the original ruling correctly explained why *histamchut* does not apply in this case.

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