



# HEMDAT YAMIM

חֵמְדַּת יָמִימ

**Parashat Hashavua**

**Tzav, Nissan 10, 5786**

Harav Shaul Israeli zt"l  
Founder and President

## The Extent of our Guarantor Status

Harav Yosef Carmel

With the Exodus, the receipt of the Torah, and becoming a nation, a new dimension was forged in *Am Yisrael's* spiritual identity – *arvut* (mutual responsibility).

*Tannaim* debate when this *arvut* obtained full force (see Sanhedrin 43b). R. Yehuda maintains that national liability for hidden sins did not begin until Bnei Yisrael entered *Eretz Yisrael*. R. Nechemia asserts that Bnei Yisrael were not liable to punishment for even revealed sins before crossing the Jordan. This phenomenon heightens the impact of *Eretz Yisrael* from both a national and a spiritual perspective.

The covenantal (*brit*) element of Sinai is repeated at Mt. Grizim and Mt. Eval, as Moshe commanded Yehoshua. The nation accepted the blessings and curses with an affirmation of "Amen" (see Devarim 27, Sota 32a), and the dynamic of the involvement of the various tribes, and the *arvut* engendered in it, are major. The *gemara* (ibid. 37a-b) continues to show the vastness of the covenant – encompassing the individual and the collective, the elements of learning the *mitzva's* details, teaching them, and the dedication to and performance of the *mitzvot*. Including the *brit* at Sinai and before entering the Land, every *mitzva* of the Torah was confirmed with 48 *britot* of all six-hundred-thousand plus Jews. This comes to tens of millions of *britot* upon which we are all *arevim*.

Even if we do not adopt the literal element of the numerical magnitude of the mutual responsibility, the responsibility toward the spirituality of our brethren, the House of Israel, is uniquely powerful. Tragically, the fire of dispute and fragmentation is spreading these days like a wildfire, and it is in complete contrast to what, as we have seen, is our basic national responsibility.

This time of the year, we are noting our entering the Land, which occurred soon before Pesach (10 Nisan – Yehoshua 4:19), in addition to the freedom from enslavement, physical and spiritual, on Pesach. Soon thereafter, we commemorate the giving of the Torah. In our generation, new important commemorations arose – remembrances for the victims of the Holocaust and victims of the struggle for the creation and upholding of our national independence in the State of Israel. This is a great backdrop to remember our obligation of mutual responsibility. This is a reason to increase love of our nation and our fellow Jews, and to try to speak positively about all of them, even if we do not agree with the actions and philosophies of some. If we focus on our stake in the welfare of every brother and sister, we can reach understandings with 90% of the population on the matters that challenge our unity. This is the way to proceed to make us fit for the coming of *Mashiach*.

We conclude with a homiletic point – *arvut* is hinted at already in Creation, with the words "It was *erev* (evening) and it was morning, day one" (Bereishit 1:5). Let us say – if we will each be an *arev*, we will see the dawning of the long-awaited day of redemption, the day of Oneness, when Hashem will be One and His Name will be One (Zecharia 14:9). Then we will see victory, when Hashem judges the mountain of Eisav and restores His full Kingdom (Ovadia 1:21).

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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

## Kittel at the Seder

**Question:** I am a recent *ba'al teshuva*. One of the practices I have not set my *minhag* for is whether to wear a *kittel* at the *Seder*. Can you help me understand the *minhag* and decide whether to adopt it?

**Answer:** Wearing a *kittel* is associated, for Ashkenazim, with four very different events.

Historically, the first is burial (the details of overlap between shrouds and one's own *kittel* differ according to communal *minhag*). In this context, part of the *minhag* relates to it being inexpensive material (Moed Katan 27b). The cleanliness/purity element of pure white and its connection to the *kohanim's* service may also be involved (see Gesher Hachaim I:10).

Next, conceptually and historically, is Yom Kippur. The Rama (Orach Chayim 610:4) reports the *minhag* of wearing a *kittel* and attributes it to being reminiscent of angels and because its association with burial encourages feeling the need to "humble one's heart."

From these solemn moments, we pivot to joyous settings. Ashkenazi *chatanim* wear a *kittel* at the *chupa*. Some connect this to cognizance of one's death and the need for *teshuva* at this crucial/serious, albeit joyous, moment (see Kitzur Shulchan Aruch 147:4). Others connect it to Yom Kippur's optimistic side, as they are both days of forgiveness; some mention the hope that the couple are being joined until death (see Nitei Gavriel, Nisuin 15).

The *Seder-kittel* connection is not found in classical *Rishonim* and Shulchan Aruch/Rama, but early *Acharonim* were familiar with it. The Magen Avraham (472:2) and Taz (472:3, who implies that some but not all followed the *minhag*) disagree whether a mourner should wear a *kittel* at the *Seder*. The Magen Avraham assumes that the reason is to rein in a possibly over-joyous *Seder* participant and reasons that the mourner does not require further dampening of the spirit. The Taz considers the possibility that the *kittel* is to enhance the festive atmosphere, which would be reason for a mourner to avoid increasing already sufficient festivity. However, the Taz prefers the approach that it is to dampen festivity but adopts the opposite philosophical approach from the Magen Avraham. He suggests that it is proper for the mourner to indeed wear the *kittel* and thereby ensure appropriate somberness.

Rav Soloveitchik is cited (Batei Yosef, Haggada p. 90) as giving two additional reasons to wear a *kittel* at the *Seder*, both supplying positives. One (invoking the Netziv) focuses on a special element of the *Seder*. We put ourselves in the mind frame of those who are eating the *Korban Pesach* as a central part of the celebration, and a white cloak was the type of honorable clothes worn while eating a *korban*. Another reason, in his father's name, is that it is one more surprising thing to stimulate a child's curiosity.

The different approaches to the *minhag* have advantages and disadvantages. It is surprising that with the many mandated Talmudic practices to increase festivity (e.g., four cups of wine, reclining), a late *minhag* would come to subdue festivity! We do have a concept of the fast of Behab, after Pesach and Sukkot, out of concern that festiveness might have led to sin (Shulchan Aruch, OC 272:1; Mishna Berura ad loc. 1). However, we wait until after Nisan and Tishrei, respectively. On the other hand, the Magen Avraham's reason connects the *minhag* more naturally to the other usages of the *kittel*. Those who do not follow the *minhag* can be comforted if they find the reasons for this relatively late and not critical *minhag* not along lines they relate to.

In your case, if you follow Ashkenazi *minhag*, you may feel free to choose your preference on whether to wear a *kittel* at the *Seder*, or experiment with how you like it (with a stipulation that it is *bli neder*). There are also various *minhagim* as to whether it is done only by the one who leads the *Seder*, or by all married males, which is also a matter with little compelling logic either way. Technical, psychological, philosophical, and sociological (e.g., your peer group's practice) factors may play a role in your decision.

## "Behind the Scenes" Zoom shiur

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

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## **Moreshet Shaul**

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

### **Character Refinement – part III**

Based on Siach Shaul, Pirkei Machshava V'Hadracha p.154

*We have seen Rav Yisraeli's thesis on how the change-seeking, state-building generation gave their children a level of autonomy that the children turned into chutzpa and how this has applied to the religious settlement movement as well.*

What does a life of respecting others, especially elders and parents, give to the prospect of upholding values?

A. Vigilance regarding the sanctity of property and a counterpart's value – When someone worked hard, did not steal to survive, and has the spirit of the living G-d in his midst, he deserves respect because of the form and spirit of Hashem within him. It is more obvious when this person is wise and gives to others, and especially if his counterpart is a recipient of his kindness from a young age. This is a debt of gratitude that every person must pay.

B. A restraint for the emergence of egotism within a person's animalistic side – Clearly, there is a difference between what a person allows himself to do when he is alone and what he does in public. This is true when the public includes people who have an impact on him. People whose opinion and essence are unimportant to him will not restrain him. If one [follows the Rabbis' instructions] to treat his friend like his rabbi and fear his rabbi like Heaven, then everything he does is more thought out and fitting to his values. If one does not value his friend's honor and honors his rabbi like a friend, we can but imagine how his fear of Heaven will be.

C. The ability to be influenced positively – When one [treats parents with respect], it helps him be influenced by them; this works primarily indirectly. Who from the previous generation did not tremble at all when he thought of his father or grandfather? Who did not value their positive characteristics and try to draw somewhat close to them? If the Torah demanded honor, it is clearly not for the sake of the object of the honor, for honor is not good for them, as the Rabbis said: "Jealousy, desire, and honor remove a person from the world" (Avot 4:21). They tell us (Yoma 87a) that when Rav Zutra was carried by his students into the lecture, he would say: "For prominence does not last forever, nor does a crown endure to every generation" (Mishlei 27:24). Rather, the honor is critical so that the honored person will be able to lead the honorer on the proper path in life.

Therefore, it is important to be very vigilant not to turn simplified relationships into lack of manners. It is better to err by using too much manners than too little.

From here we can learn about educating children. It is forbidden to allow children to relate to their parents and teachers with a lack of manners and honor. They must not call their parents by their names. A parent must have a set place at the table, in which a child will never sit. They must get used to addressing them politely. Children should hear the words "please" and "sorry" and be expected to use them. They should be used to saying "Shalom" in the house in the morning and evening and to everyone they meet on the street.

Violence by children is a bad habit that can become a precedent for their way of life. They quarrel over things that are important to them like a stick or a smooth stone, and the stronger child decides to take what he wants by force. One must use all available tools – speech, habit formation, and real punishments – to eliminate this wrong path.

I heard a father telling a boy complaining about being bullied: "Go and hit him back." Not only is this a poor approach, but one should teach with all his strength the virtue of patience and maintaining self-dignity. It is better to respond: "Do not play with him until he asks forgiveness." One must not under any circumstances legitimize the violence that the counterpart improperly used [by urging to mirror his action]. One should not recommend it or even see the positive in it. "The left hand should push away, whereas the right hand should draw one close" (Sota 47a).

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

**Itamar Chaim ben Tzippora**  
**Nir Rephael ben Rachel Bracha**  
**Ori Leah bat Chaya Temima**

**Arye Yitzchak ben Geula Miriam**  
**Neta bat Malka**

**Avraham ben Gitel**  
**Tal Shaul ben Yaffa**  
**Meira bat Esther**

*Together with all cholei Yisrael*

# P'ninat Mishpat

## Undoing a Problematic Partnership – part II

(based on ruling 84061 of the Eretz Hemdah-Gazit Rabbinical Courts)

**Case:** The plaintiff (=pl) and the defendant (=def) started a new business together and signed a partnership agreement. When the prospects for success waned, def arranged for pl to buy out def's brother-in-law's 40% of an existing business with def for 365,000 NIS. Pl and def added handwritten modifications to their agreement. Pl started paying in installments, and pl and def went to an arbitrator (=arb) to determine at what point in the payments pl would receive rights in the business. Arb decided that pl would have all the rights of partnership from after he paid 300,000 NIS. Soon thereafter, pl complained to def that he lost access to the security cameras, and the next day he complained to def and arb that all of the cash (appr. 30,000 NIS) in a safe, to which only pl and def had keys, was missing. Arb spoke to def and after discontent with his reaction, rendered a ruling that pl could take 26,000 NIS from the company's account and hold it in a secure account until matters are sorted out. After unsuccessful attempts to improve trust, arb ruled that pl had a right to exit the partnership. Def claimed that arb was partial to pl, and the matter reached the courts, who appointed Eretz Hemdah to adjudicate. Pl demands back the money he invested (based on par. 6.7 of the contract); 21,000 NIS he spent in arranging the money to invest, or 40% of the business' profits from the time of his investment; and legal fees. Def counterclaims that pl failed in his responsibilities and therefore should lose rights in the partnership (based on par. 6.8).

**Ruling: Claim of theft from safe:** We note that pl's claim that def stole partnership money is based on circumstantial evidence. However, it is strengthened by the following grossly inconsistent and illogical statements by def.

Pl's request of def on 3.1.24 to remedy his inability to access the security cameras and pl's harsh refusal are documented. Def gave different explanations at different points of the conflict, including: "I did not change the code"; "I changed it because the system requires it" (a claim not supported). A report of a communications expert shows the change in code coming from def's account. This indicates purposeful "blinding" of pl.

The next day, pl complained that money was stolen. Originally, def said that pl was a suspect like he is. However, his final claim in *beit din* is that the money remained in the safe. He promised evidence from the surveillance cameras, but did not bring any; he said later that the recordings were naturally erased over time. Over multiple opportunities, closer to the time of the event, def did not claim that there was no money missing, the simple response that defuses the issue. It is illogical to not save video evidence. Finally, def's response of indifference to arb when he inquired, and the failure to get back to arb with the news that no money is missing make the claim lack credibility.

Although we generally refrain from ruling based on circumstantial evidence, the Shulchan Aruch (Choshen Mishpat 15:4) and Rama (CM 99:8) embrace this possibility in cases of definite lying and apparent theft. Therefore, we rule to activate par. 6.7 to return pl's investment.

*We continue with final elements next time.*

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