



Harav Shaul Israeli zt"l
Founder and President

HEMDAT YAMIM

Parashat Hashavua

Matot Masei, Tamuz 26, 5786

The Blessing of Children, Specifically for Menashe – part II

Harav Yosef Carmel

We saw last time that if the increase of 20,5000 people in the Tribe of Menashe is due to the blessing of children to his father Yosef, it is surprising that Ephrayim did not record an increase as well. We also asked why Moshe made a major issue of the requests for land east of the Jordan whereas Moshe seemed to effortlessly give it to Machir ben Menashe. We add another question. In discussing the conquest by Yair ben Menashe, who named the area Chavot Yair, it says that this was the name "until this day" (Devarim 3:14). This implies that there were two stages in the settlement of the area of the Gilad.

These indications point to the following thesis. The sons of Yosef, who had a status in Egypt of princes, took forces to the Promised Land early in Bnei Yisrael's stay in Egypt. Menashe's forces conquered land in today's Golan. Some of them settled in Chavot Yair. In Devarim, the Torah stresses that in Moshe's time that settlement still maintained that name. The Sons of Menashe had a mini-kingdom, which had political relationships with local nations, which explains how Machir was begot from Menashe's Aramean concubine.

Much later, when Moshe arrived in the region, these parts of Yosef's family reunited with the rest of Bnei Yisrael and continued living, with Moshe's blessing, in their region without the need for a special deal. The members of the tribe in that settlement, who had not been in the encampment when the first census was taken but were when the second one was taken, explain the discrepancy of some twenty thousand people.

This thesis breathes new life into Yiftach's speech (Shoftim 11:26), in which he chided the belligerent nation of Ammon for not doing anything during 300 years of Jewish life east of the Jordan. The chronology of this event works out much better if it is being counted from the time of Yosef's sons and not that of Moshe.

There was another force from the family of Yosef that came to the Land of C'na'an, from Ephrayim. They captured a region in the area of Samaria and of Beit Choron and settled there. It could be they were joined by some of the locals who latched on to the family of Yaakov after the battle with Shechem, as locals attached themselves to Avraham before him. This historiography is almost explicit in Divrei Hayamim (I:7:24). The connection between this group and the Jews in Egypt was complicated by the difficulty of free travel through the Plishti region. This group was reunited at the time of Yehoshua, not Moshe, as hinted in Yehoshua 24:24. For this reason they were not counted in the second census in the desert either, so that the Tribe of Ephrayim did not yet reflect in that census the true blessing of population growth promised to Yosef. This multitude of population, in the case of Ephrayim, did not result in a second region of settlement, like the one of Menashe previously discussed. This explains the basis for their complaint to Yehoshua over insufficient land at their disposal (ibid. 17:14-17).

This major thesis, that we humbly suggest, is another example of using comparisons between multiple parts of the one organic *Tanach*, to allow it to explain itself.

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Ask the Rabbi

Matot Masei

by Rav Daniel Mann

Haircut for a Bar Mitzva in the Three Weeks

Question: My son will have a bar mitzva celebration on Tammuz 22 (without music and dancing). Can he have a haircut right before the party? If yes, can I also have a haircut and shave?

Answer: A *mishna* (Ta'anit 26b) forbids haircutting during *shavua shechal bo Tisha B'av*. Ashkenazi *minhag* extends this to the entire Three Weeks (Rama, Orach Chayim 551:4).

For your son, there are two grounds to consider for leniency. One is that if he gets it before his halachic birthday, he is then a *katan*. Although we do not normally allow haircutting for *ketanim* (Shulchan Aruch, OC 551:14), the Mishna Berura (ad loc. 82) cites without a clear preference two opinions if this applies during the Three Weeks where the whole prohibition is just a disputed *minhag*. It seems that people are usually *machmir* on this.

Your main question is probably whether the *simcha* of a bar mitzva celebration permits haircuts/shaving. The Rama (OC 551:1) allows the principals to a *brit mila* to wear Shabbat clothes to the *brit* right up until Tisha B'av. *Acharonim* debate whether or not this leniency applies to haircutting as well, which is more stringent than wearing nice clothes (see Eliya Rabba 551:28; Sha'arei Teshuva 551:1). As we have seen, the Talmudic prohibition is only on *shavua shechal bo*, so that there is extra room for leniency earlier in the Nine Days, and certainly during the Three Weeks.

How does a bar mitzva boy's halachic level of *simcha* compare to the principals of a *brit mila*. The Yam Shel Shlomo (Bava Kama 7:37) proves from the following *gemara* that we can call a bar mitzva a *mitzva* celebration. The *gemara* (Kiddushin 31a) tells of the blind sage, Rav Yosef. Rav Yosef said that if he would be convinced that the blind are obligated in *mitzvot*, he would make a celebration because one who is commanded in *mitzvot* receives more reward for their fulfillment. If a celebration is in place for one finding out that he has always been obligated, it is certainly appropriate (he does not call it an obligation) when a bar mitzva becomes obligated in the *mitzvot*. The Magen Avraham (225:4) and Mishna Berura (225:6) accept this Yam Shel Shlomo. While the bar mitzva *seuda* is not mentioned in the Shulchan Aruch/Rama, it is at least as important as a *siyum*, where we allow eating meat and drinking wine in the Nine Days (Rama, OC 551:10). On the other hand, we do not find people making a *siyum* getting haircuts in the Nine Days. Therefore, *poskim* are not confident about allowing haircuts for a bar mitzva boy (see Nitei Gavriel, Bein Hametzarim 20:6; Mishneh Halachot (VI:45) regarding a bar mitzva during *sefira*, which is a somewhat weaker level of *aveilut* than the Three Weeks).

In your case, there is also little practical need for a Three Week haircut, as it is generally assumed that a male's hair looks its best several days after the haircut. Therefore, we would recommend doing your son's haircut before the Three Weeks, but if you forgot to do so and he does not look his best, we have seen enough room for leniency for a bar mitzva boy during the Three Weeks (see Nitei Gavriel *ibid.*).

Regarding your shaving, fundamentally, when haircuts are forbidden, that includes shaving (Shulchan Aruch, Yoreh Deah 389:1). Rav Soloveitchik is among those who say that those for whom nowadays shaving is no longer done periodically but is daily upkeep, may shave during the Three Weeks. Unless you have a significant beard, shaving before the Three Weeks will not be of much help. We can acknowledge, that you too are likely somewhat of a principal to the bar mitzva (see language of Magen Avraham *ibid.* and notice that you also recite "*Baruch shepetarani ...*" (Rama, OC 225:2). Rav Mordechai Willig (Am Mordechai, Berachot 29) explains that the father is celebrating the completion of the fulfillment of the formal *mitzva* to educate his son. Therefore, although you imply you do not shave during the Three Weeks, if you rely on the leniency for a moderately important need (e.g., Shabbat, an important business meeting), it is appropriate to do so for the bar mitzva as well.

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Moreshet Shaul

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

I Will Bring You Back Up – part II

Based on Siach Shaul, Pirkei Machshava V'Hadracha p. 371 (address at a symposium for communal leaders at the Ramban Shul, 5768)

[We discussed the Ramban's contributions to the return to Eretz Yisrael and ended with a *pasuk* about Hashem promising Yaakov that He would return him from Egypt.]

Every place in the exile with ten Jews brought stones and earth from *Eretz Yisrael* to build their houses of prayer (*batei kneset*) and Torah study (*batei medrash*), giving the people a feeling of the Land of the Patriarchs, of the Holy Land. These edifices were independent public domains, extraterritorial areas, impenetrable to the atmosphere of the exile.

This recalls the Maharsha's teaching on the story in Berachot 8a: They told R. Yochanan that there are old people in Bavel. He stated his surprise: The *pasuk* says "... so that your days and the days of your children will be many **on the Land**" (Devarim 11:21), implying not in the Diaspora. Once they told him the old men had gone early to *batei kneset* and returned late, he said: "That is what worked for them." The Maharsha explains that the *batei kneset* and *batei medrash* in Bavel will eventually be established in *Eretz Yisrael*, so that it is as if they were "on the Land."

Thus, the financial backbone of the communities, the lay leadership of the *batei kneset* and *batei medrash* in the Diaspora over the generations, have all served as ambassadors of *Eretz Yisrael*. By establishing these institutions, they guarded the holy fire, preventing it from going out. In those houses, the independence of Israel was preserved; they drew from there the power of the spirit and the selfless dedication to stand strong against ruthless enemies. Hashem promised Yaakov He would protect him in Egypt: "Yosef will place his hand over your eyes" (Bereishit 46:4). Yosef represented the financier and lay leadership of Diaspora communities. He took steps to prevent assimilation with Egypt in that first exile. This was the guarantee that the Divine Presence would dwell among Jewish communities even in the lands of their dispersion. The "eyes of the nation" in subsequent exiles learned from the precedent of Yosef in Egypt.

Now, the continuation of the *pasuk* is also becoming a reality: "I will indeed bring you up." The wonders of wonders (The 6 Day War) that are happening before our eyes show vividly all who have eyes to see and ears to hear that the day of complete liberation is approaching. Realize that together with Israel's liberation comes the Divine Presence's liberation. In fact, Israel's liberation is conditional on the Divine Presence's liberation, as Chazal's aforementioned statement says: "In the future, *batei kneset* and *batei medrash* in Bavel will be established in *Eretz Yisrael*." This is because there is no liberation of the body without liberation of the soul. The prophecy of liberation is not just the vision of bones getting closer to each other and flesh and skin growing on them (see Yechezkel 37), but also the insertion of Hashem's spirit into the nation that dwells in Zion.

We must once again remember the *pasuk* about Yaakov's dependence on Yosef and his promised return to *Eretz Yisrael*. You, Jewish leaders, the eyes of the communities, look at the "hand of Yosef" pointing to Zion and Jerusalem. Hear his last will and testament, "Hashem will certainly redeem you" (Bereishit 50:25). Yosef reached the greatest heights of power in the first exile. He did not undergo the terror of Egyptian subjugation, thousands of years of persecution, or the disappointments at the hands of cultures who broke their promises. Yosef commanded – his one desire is to be taken posthumously to *Eretz Yisrael*. For honor and riches one gets in foreign lands will not bring real blessing; the niceties come and go. Even the staying power of the prayer and study halls abroad are based on their connection to *Eretz Yisrael*, where they must be brought in the future.

The Israeli stones and earth in your edifices scream to you: "Return us to our origin." May the shine of gold and conveniences of foreign lands not blind you. Do not believe the imaginary stability. Do not believe you can preserve proper Judaism anywhere. The Land is calling you, as is the Western Wall. The walls of the Holy Temple which we are uncovering are calling, as is the Divine Presence – return to our origin to "raise up the House of Hashem and rebuild the ruins" (Ezra 9:9).

We daven for a complete and speedy refuah for:

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 Nir Rephael ben Rachel Bracha
 Ori Leah bat Chaya Temima

Arye Yitzchak ben Geula Miriam
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Avraham ben Gittel
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 Meira bat Esther

Together with all *cholei Yisrael*

P'ninat Mishpat

Regulation of Land Rights in a Settlement Extension – part V

(based on ruling 84019 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The plaintiffs (=pl) used to live in an unrecognized settlement extension (=SE), left SE in 2013, and returned in 2016, against the will of the settlement committee (=def). Def instructed pl as to the boundaries of their lot, but pl expanded them and ignored warnings to desist. In 2023, def started preparing neighboring lots for new units, including areas to which pl had asserted control, and destroyed some of pl's infrastructure. [This installment's issues:] Pl claims that def must pay for damage to many of his assets that were in and around his property. Def demands that pl be forced to pay municipal taxes like other members of def. Pl refuse because def's banishment of them prevents their full use of def's resources, and because def ignores their demand for public disclosure of municipal spending.

Ruling: It is true that in regard to the major question of pl's right to expand beyond def's permission, pl did not have the right. However, def was required to see the legal process through and not start work in a manner that caused damage to pl's assets and possessions in the area of their work. Therefore, there are grounds for certain damage payments. The claims though are problematic, because they are "wholesale," with little documentation on what was damaged and what they were worth. While it would be best to bring in an expert to do these evaluations, the relatively small amount of viable claims makes it unfeasible to spend the sides' money on an expert. *Beit din* will have to estimate.

One type of demand is that a damaged element be returned and fixed, such as a damaged sewage line. In that case, for example, a new permanent line is going to be built in accordance with the correct position of pl's home. Therefore, it makes no sense in many of those cases to reconstruct that which will soon be unviable.

There is a halachic obligation to pay municipal taxes (Shulchan Aruch, Choshen Mishpat 163:1). This is true even if a member of the community does not benefit from all that the municipality provides (Rama ad loc. 3). All residents certainly must pay for matters of security, local *batei knesset*, electricity, water, and internet, among other things. While the Rama writes (CM 163:6) that those who do not need help from the lords to collect debts do not have to pay for that service, the S'ma (163:32) distinguishes between services that are by their nature public and those that are private. Since pl did not prove that there are relevant services that they are excluded from wrongly, they are not able to receive an alleviation from the fees.

On the one hand, while those in charge of public funds are not absolutely required to make an exact accounting, it is generally recommended they do so to prevent doubts (Shulchan Aruch, Yoreh Deah 257:2). Therefore, we expect def to be more forthcoming in this matter. However, lack of full disclosure does not excuse pl from paying municipal taxes.

With this we conclude our treatment of this important dispute, which touched on many general communal principles.

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