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HEMDAT YAMIM

Parashat HaShavua

Behar, 20 Iyar 5775

A Second Central Shabbat

Harav Shaul Yisraeli – based on Siach Shaul, p. 347-348

Chazal famously tell us that the laws of *Shemitta* were identified as being given at Sinai to indicate that all details were also given at Sinai. The fact that this *mitzva* was chosen to teach us this general rule shows that the Torah views *Shemitta* as possessing a special standing.

The weekly Shabbat is a sign of covenant between the individual Jew and Hashem, to the extent that a Shabbat desecrator is treated like one who rejects the entire Torah. Similarly, the Shabbat of the Land is a sign of a national covenant. Just as the Shabbat desecrator is liable of *karet* (being cut off), so too there is a national *karet* – exile and severing of ties with its natural place of life, Eretz Yisrael – for national violation of *Shemitta* (see Vayikra 26:34).

The laws of Shabbat are written in terms of the individual. In contrast, *Shemitta* is written in terms of the Land enjoying a Shabbat (Vayikra 25:2), as the main element is in the general/public sphere. While it affects individuals' actions, the spiritual content is of the community, the state, and the Land, in accordance with the *pasuk*, "All its produce will be for you to eat" (ibid. 7). That is the reason that the laws of *Shemitta* apply only in *Eretz Yisrael* where national life finds its expression.

While Shabbat commemorates Hashem's ceasing of activity in the time of the creation of the world, *Shemitta* represents the body's ceasing of work and a rest that is connected to the World to Come (see Ramban, Vayikra 25:2). The Jewish Nation cannot settle for eternity on a life that concentrates on nature alone. Rather, its eyes are set on the World to Come, an ideal time when evil will cease to exist. A time such as *Shemitta* is not just a reminder of what will be but it is the taking of steps, to the extent that our feeble efforts can take us, toward ushering in that time.

We accept Hashem's dominion on Shabbat by inactivity, by stopping to try to increase financial acquisitions and physical innovation. The acceptance of dominion through *Shemitta* is accomplished by positive steps, i.e., by relinquishing ownership rights and opening up the fences around one's fields to allow all to share his produce. This recognition of divine dominion is the source of the life of the universe.

The idea of social equity that is engendered in *Shemitta* is very much related to this. It reminds one that it is unnecessary to wear himself out in pursuit of riches. *Shemitta* reminds him that his property can sit fallow for an extended period of time because the King has removed it from his full possession (see Bava Metzia 39a).

Shemitta is not just about a change in the relationship between man and his compatriot, but between man and his acquisitions. People are liable to get so caught up in their efforts to amass property that they see property as part of their essence, which generally impacts on their desires, jealousy, etc. *Shemitta* is a reminder that there is a separation between man and his possessions and that he should connect more to his inner spiritual acquisitions, which he can retain and be satisfied by forever. The farmer, who is busy around the clock and throughout the year, finally has time to take off a year to increase these attainments and contemplate their centrality in his life.

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On Yom H'atzmaut & Yerushalayim

Rabbi Shaul Yisraeli

Blessed is our God, who created us for His glory, and separated us from the wayward, and gave us the Torah of truth" (*Uva LeTziyon* prayer). The separation between Israel and the nations, which the sages count as one of the vast separations "between holy and mundane, between light and dark" (*Havdala* service), is expressed in every single aspect of the activities of life, both that of the individual and the community. This includes the connection of the nation to its unique land, in which "the eyes of the Lord your God are constantly present, from the year's beginning until year's end" (Deut. 11:12).

"He set the boundaries of peoples, to the number of the Children of Israel" (Deut. 32:8). This, according to the *Sifrei*, refers to national borders, so that no foreign entity would encroach upon the Land of Israel. On the one hand, as Rabbeinu Saadia Gaon puts it (*Emunot VeDeot*, third essay), "Our nation is no nation except through its *Torot*"; yet on the other hand, the essentials of these *Torot*, the Written Torah and the Oral Torah, are inextricably bound to this desirable land: "And He gave them the lands of the nations...that they might keep His statutes and observe His laws" (Ps. 105:44–45).

The sages have said that the Torah applies essentially when the Jewish people reside in their own land. Even those mitzvot that require physical action, such as tefillin and mezuzah, apply outside of the Land of Israel only as "reminders," as explained by the *Sifrei* (*Parashat Ekev* 43:17): "So that they will not be new to you when you return." The connection between the Torah and the Land of Israel is felt most profoundly with those commandments that are specific to the land, since these apply nowhere else. These mitzvot are designed to form the character of the populace as an agricultural nation, living its life in the bosom of nature, plowing, sowing, and reaping. The people, however, are not influenced by being earth-bound; on the contrary, the people influence this earthly existence. The talmudic term for ignoramus, *am haaretz*, literally means "people of the land," as Maimonides (*Commentary to the Mishna*, introduction to Zera'im) explains: these are people devoid of wisdom, dedicated only to cultivating the land. This is not the destiny of the Jewish people; rather, as the Talmud puts it (Rosh HaShana 35a), they are *am shebasadot*, the people in the fields, connected to Torah and prayer. The physical acts they perform are also tools for spirituality; even their "regular" food is eaten as if it were a holy portion from God's table.

This does not apply only to those who work themselves to death, as it were, in the tents of Torah; they are not the sole heirs of Torah and mitzvot. As Moses states: "You are standing this day *all of you* before the Lord your God: your heads, your tribes, your elders, and your officers, all the men of Israel, your children, your wives, and your stranger who is in the midst of your camp" (Deut. 29:9–10). Moreover, those mitzvot tied to a life of activity – plowing, reaping, and the like – cannot be fulfilled at all except by those who occupy themselves with such activities. Adam is placed in the Garden of Eden "to work it and to guard it" (Gen. 2:15); "to work it" simply means cultivation, while "to guard it" basically denotes protection. It is only on this basis that we can add another layer: "to work it" by performing the positive commandments, "and to guard it" by observing the prohibitions, as explained by the Zohar (vol. I, 27). This is the secret of the greatness of the Torah of truth: it encompasses all forms of life and is not confined to a cadre of uniquely gifted individuals. Indeed, the nation as a whole becomes special: a treasure among the peoples, a kingdom of priests, a holy nation (Ex. 19:5–6).

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"And the gold of that land is good" (Gen. 2:12) – for there is no Torah like the Torah of the Land of Israel" (Gen. Rabba 16). The superiority of the Torah of the Land of Israel is not expressed in the subjects studied, nor in the method of study; indeed, the curriculum is the same, whether it is Torah studied inside or outside of Israel. Thus, the distinction between the Torah of the Land of Israel and the Torah of *Hutz Laaretz* ("Outside the Land") must be a difference in conceptualization and scope. The Zohar (Zohar *H'adash*, Ruth 210) states: "'Now this was the custom in former times in Israel upon redemption and upon exchange' (Ruth 4:7) – 'upon redemption,' this is the Jerusalem Talmud; 'upon exchange,' this is the Babylonian Talmud." The Babylonian Talmud is defined as "exchange" (*temura*) because it was the nation's replacement for losing its normal life. Torah outside of Israel was a substitute for customary features of national life. It was the ground beneath their feet when the literal ground was pulled out from under them, and it erected a wall of fire around the nation when its physical fortresses fell to the enemy. However, an "exchange" is only a temporary solution, an emergency measure, and therefore it cannot be regarded as good. This term "good" applies only to the Torah of the Land of Israel, which is defined as "redemption."

The Torah of the Land of Israel does not invalidate all the features of national life that characterize every other people; rather, it demands them: a state, an army, industry and labor, intellectual activities, agriculture. However, the Torah of the Land of Israel redeems these features of national life, giving them another meaning, and thus these elements themselves, which otherwise might subjugate people to physicality and materialism, are the tools for spiritual elevation. Isaiah (42:5) states: "Who gives soul to the people on it and spirit to those who walk in it," and the Talmud (Ketubot 111a) understands this as teaching that being in the Land of Israel guarantees one a portion in the World to Come. In the place of a war of the spirit against the body comes the resuscitation of the body: a soul is placed within it, and a spirit is given to it, a spirit of life. Thus, the body is raised to rebirth, and the ways of the world (*halikhot*) turn into

laws (*halakhot*) that ratify existence. It is a fulfillment of the verse: “In all your ways acknowledge Him, and He will make your paths straight” (Prov. 3:6).

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The Babylonian Talmud (Gittin 55b–56a) famously ascribes the destruction of Jerusalem to the incident of Bar Kamtza, [who is embarrassed at a feast in the presence of the sages and then puts a blemish in the animal that Caesar sends to the Temple in Jerusalem for an offering. The priests are about to offer the animal regardless, in order to avoid a diplomatic catastrophe, but Rabbi Zekharia ben Avkulas dissuades them. Rabbi Yoĥanan then concludes: “Through the humility of Rabbi Zekharia ben Avkulas our House has been destroyed, our Temple burnt, and we ourselves exiled from our land.”] However, the version of this story written in the Land of Israel (Lam. Rabba 4:3) differs. There Rabbi Zekharia ben Avkulas is blamed for a different type of inaction, namely, failure to halt the escalation of humiliation at the feast itself, when the host tells Bar Kamtza to leave:

Said [Bar Kamtza to the host]: “Since I am here, let me stay, and I will pay you for whatever I eat and drink.” He said, “I won’t.” “Then let me give you half the cost of the party.” “No,” said the other. “Then let me pay for the whole party.” He still said, “Get out.” Now, Rabbi Zekharia ben Avkulas was present, and he had the opportunity to protest but declined to do so. [The host] took [Bar Kamtza] by the hand and put him out. Said [Bar Kamtza], “Since the elders were sitting there peacefully, I will pay them back...” Said Rabbi Yose: “Through the humility of Rabbi Zekharia ben Avkulas our Temple has been burnt.”

There is no question that Rabbi Zekharia’s humility is basically a positive thing. It comes from his constant concern for self-perfection and dissatisfaction with what has been achieved. His is a view turned ever inward, continuous self-criticism that does not allow any room for directing others or being concerned with them. This worldview does not voice protest when it is necessary or deal with setting things right. Perhaps it emerges from a certain disregard for a public that constantly thinks of the vanities of this world, for the ordinary people who are immersed in ethereal life and not eternal life: What, ask the scholars, do these trivialities have to do with us? Greatness is not to be expected of these people, so should we dedicate thought to them? Is this not a waste of our time, a distraction from Torah study? Rabbi Zekharia sits there, as do other rabbis, undoubtedly engaged in dispute over a matter of Torah. Their discussion is enjoyable and edifying, and they do not suspect or surmise that they are laying the groundwork for the destruction of the Temple.

Perhaps this is what Rabban Yoĥanan ben Zakkai meant when he said: “Grant me Yavne and its sages.” Yavne was not chosen at random. As the Talmud reports: “A favorite saying of the rabbis of Yavne was: ‘I am God’s creature and my fellow is God’s creature. My work is in the town and his work is in the country.... Will you say that I do much and he does little? We have learned: One may accomplish much or one may accomplish little; what matters is that one direct his heart to heaven’” (Berakhot 17a, see Rashi ad loc.). Among the sages of Yavne, Rabban Yoĥanan ben Zakkai founded an approach that was in direct opposition to that of Rabbi Zekharia ben Avkulas. According to this approach, the whole nation is a single entity, and there is no justification in seeking the perfection of the individual while rejecting the mission of maintaining a certain level of spirituality for the wider community. In the corporate framework of the nation, no one can be relinquished. Nor there is anyone who is entitled. “One may accomplish much or one may accomplish little; what matters is that one direct his heart to heaven.” This means that there is no justification for isolation; instead, Torah scholars must forge close relationships with the people. Rabban Yoĥanan ben Zakkai recognized that only in this way could the nation be rebuilt, and there they kept the ember of the nation in its land burning bright, with Yavne and its sages.

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Among the agricultural settlements of the Land of Israel, the Religious Zionist settlements of the “*Torah VaAvoda*” movement shine like sparkling diamonds. They constitute a unified body that keeps the Torah and are crowned with the glory of enjoying the fruits of their own labors. This is where the conditions for the realization of all the mitzvot in their entirety are being met; this is where the endeavor to revive the ideal of the Jewish farmer is made flesh, that of *am shebasadot*, “the people in the fields.” This revival of a form of life that had been snatched away from us certainly gives rise to many questions, as well as mistakes and missteps. This is the way of renewal. As the sages say: “A man does not fully understand the words of the Torah until he has stumbled in them” (Gittin 43a). We cannot be afraid of errors, just as we must not restrain criticism. What is important is that the critiques be faithful, not disingenuous or rejoicing in finding faults in others. Rather, criticism must be motivated by love, by pain, by a desire to fix things and a readiness to assist in repairing what is broken. And before the criticism and the rebuke, there must be guidance. More than ever, the nation requires sages in the Land of Israel who can make halakha sweet, sages of Yavne who know that success requires collaboration with the community and who are ready to march arm-in-arm with the public in order to reliably support them, to guide and direct them to tranquil waters. Without doubt, this requires us to delve into the halakha in order to apply it to every area of life, formulating *halakhot* of society and *halakhot* of state, *halakhot* of the army, and *halakhot* of agriculture. We must clarify these *halakhot* and analyze the problems of the modern era to determine how they may be solved in the light of halakha.

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Of Human Dignity and the Man who Avoided Honor A Mini-Eulogy for Rav Aharon Lichtenstein, Rosh Yeshivat Har Etzion zt"l

Rav Yosef Carmel

In place of a standard eulogy, let me tell a personal story that expresses Rav Lichtenstein's unique way of life: the greatness of a giant in Torah with immense modesty and sensitivity for human dignity. Along with this, his care for the honor of others, specifically, and human dignity, in general, stood out throughout his life.

Before the story, let us give some halachic background. The Rabbis (Berachot 19b) established the rule: "Great is human dignity, which pushes off a negative commandment of the Torah." The Rabbis disputed the extent of this rule. Some say it applies even to explicit Torah negative commandments, although the *gemara* concludes that it applies only to pushing off Rabbinic negative commandments. The matter might be the subject of a *machloket* between the Bavli and the Yerushalmi. In the case where the Torah law is violated by omission (e.g., refraining from a *brit mila* or from bringing a *Korban Pesach*), all agree it is overridden in order to maintain human dignity (e.g., by burying one who has no one else to bury him). (We cannot address all the principles of this halachic phenomenon in this limited space.)

The rule of *kavod haberiyot* (human dignity) pushing off *halachot* is, in some ways, more powerful than the rule of *aseh docheh lo ta'aseh* (a positive *mitzva* pushes off a negative one). The latter rule applies only at the exact time the positive *mitzva* is performed. In contrast, *kavod haberiyot* pushes off violations even when the envisioned disgrace has not yet "come into the world." Therefore, it is permitted to move stones (old equivalent of toilet paper) on Shabbat, even before the need to use them to maintain human dignity exists. This applies when carrying in a *karmelit* (a Rabbinic-level public domain) or in violation of a *techumin* (not moving things beyond the radius of approximately a kilometer).

Now, the story. On Yom Kippur of the Yom Kippur War, a truck (high enough to reduce *techumin* issues to a Rabbinic level) arrived at the Hesder Yeshiva of Kiryat Arba, where I was a student, at 2 PM, to take us to the front. The next stop was Yeshivat Har Etzion, where some members of our tank unit were studying. As we pulled out, we saw an older man running after us with a big bundle. We yelled to the driver to stop and then recognized the sprinter – the Rosh Yeshiva, Rav Aharon.

Rav Aharon caught up with us and quickly explained. "When I realized you were being enlisted, I realized that, being Yom Kippur, you would not be able to bring along any personal items but the *tallitot* on your back. So I ran to the apartment to bring you toilet paper. You will be able to take that with you to various places based on the rule that *kavod haberiyot* pushes off a negative commandment."

I will always remember that moment. At that time, we understood what a "Man of Halacha" is, a man who thinks of halacha in a most practical way. This was a person whose Torah was not just in his head but became one with his life and personality. Even in the midst of the passion of Yom Kippur (and students of Rav Lichtenstein know its great significance to him), *kavod haberiyot* was an inseparable part of him. The beautiful interplay between service of Hashem with the intellect and constant Torah study along with service of the heart – prayer and deep human sensitivity – appeared before us in its full glory.

Fortunate are students who merited to take leave of their rabbi in this way as they embarked to fight the war of Hashem, protecting His nation and land. Fortunate is the rabbi who leaves the world in sanctity and purity in all ways, after a full life of service of Hashem and producing many students. Let us pray that we will merit to march in his footsteps, even a little bit, and, thereby, sanctify the Name of Heaven every day in all our paths.

by Rav Daniel Mann

Does Acknowledging Lag Ba'omer Count as Counting?

Question: If one mentions, before counting *omer*, that "Tonight is Lag Ba'omer" (= *the statement*), can he subsequently count with a *beracha*?

Answer: This is one of the cases where we prefer to not have fulfilled a *mitzva*, so that we can perform it properly with a *beracha*. While the statement includes the basic elements needed to fulfill the *mitzva* of *sefirat ha'omer*, it may not do so for a few reasons.

First, there is an unresolved *machloket* whether *gematria*, which is a secondary but accepted way of expressing numbers, is valid for *sefirat ha'omer* (see Sha'arei Teshuva 489:6; see applications in Living the Halachic Process, I:D-19). *The statement (Lag)* is thus questionable for fulfilling the *mitzva*.

Second, the weeks are not mentioned. *Acharonim* debate whether one who has mentioned only days, after day seven, has completed his *mitzva*. The matter relates to Ameimar's opinion (Menachot 66a) that there is no need to count weeks at a time that there is no *Beit Hamikdash* in which to offer the *korban omer*. The Mishna Berura (489:7) concludes that one who says just the days should count again, but this ruling lacks the level of certainty to justify a new *beracha* (see Sha'ar Hatziyun 489:9). (According to Eliya Rabba (489:14), the full force of missing weeks applies only on days when the number of weeks changes – e.g., 28, 35).

The strongest reason to disregard *the statement's* impact is that it is almost certainly said while not having in mind to fulfill the *mitzva* of *sefirat ha'omer*. The Shulchan Aruch (OC 60:4) rules that one does not fulfill a *mitzva* without intent to do so, and therefore *the statement* should not prevent one from counting afterwards with a *beracha*. However, the following halacha in the Shulchan Aruch (OC 489:4) seems to contradict this. If one is asked before counting what day of the *omer* it is, he should answer what day yesterday was, for stating the current day compromises his ability to count later with a *beracha*. The Taz (489:7) says that the Shulchan Aruch must mean that avoiding saying the day's count is just a stringency, but, due to the lack of intention, he would *b'dieved* count with a *beracha* later anyway. Yet many point out that the Taz's claim does not fit the Shulchan Aruch's language. The Magen Avraham (489:8) says that one would not make a *beracha* because of the opinion that intention is not critical, and some say that *sefirat ha'omer* is fulfilled without intention because it is only a Rabbinic obligation (see Yechaveh Da'at VI:29).

While each individual reason to allow counting with a *beracha* after *the statement* is arguable, the combination of reasons makes that prospect convincing in two possible ways. First, *poskim* (including Be'ur Halacha 489:4, Eliya Rabba *ibid.*) say, in different cases, that when there are specific indications that one intends to not fulfill the *mitzva*, he indeed does not fulfill it. In the standard case, when "Lag Ba'omer" is used as the name of a semi-holiday as opposed to the *gematria* of the count, *the statement* would be precluded from fulfillment of the *mitzva*, and a *beracha* could be made later (Kaf Hachayim 489:30). (Note that in *gematria*, we usually say "*Lamed gimmel*," not "*Lag*," and that halachic declarations are not supposed to be made in a mix of languages.) The Mishna Berura (489:22) says that we would accept the aforementioned Taz's logic in cases in which the week should have been mentioned and was not. Second, the coinciding of factors may create enough doubts against the chance the *mitzva* was fulfilled to justify a *beracha*. Indeed, we find cases of *beracha* on *sefirat ha'omer* when *s'feik s'feika* indicates its appropriateness (Shulchan Aruch, OC 489:8; Mishna Berura 489:38). On the other hand, that halachic phenomenon likely does not apply to every set of doubts (see Yabia Omer IV, OC 43).

In short, it is unlikely that one has fulfilled *sefirat ha'omer* by noting the day is *Lag Ba'omer*. However, it is worthwhile to avoid such a statement before counting and, where easily feasible, to use someone else's *beracha* if he did.



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Ein Ayah

(from the writings of Harav Avraham Yitzchak Hakohen Kook, z.t.l.)

Behar

Mitzvot and the Berachot on Them

(condensed from Ein Ayah, Shabbat 2:22-23)

Gemara: What *beracha* does one recite [on the lighting of Chanuka candles]? He recites: "... Who sanctified us with His *mitzvot* and commanded us ..."

Ein Ayah: Every *mitzva* certainly has a special purpose. This is true for the *mitzva* in general, as the existence of the *mitzva* and the fact that it is fulfilled have a positive impact on the world. Every specific act of *mitzva* fulfillment also plays its role in bringing the overall good for which the *mitzva* was intended. The broadest view of the impact of a *mitzva* is possible when it is seen as part of an entire set of *mitzvot*, which is such a powerfully lofty goal that is glorious beyond description.

In regard to practice, a person is limited and can only perform an act of *mitzva* as prescribed by his specific obligation and fulfillment, according to the situation and time. However, there are no limitations in the realm of the idea of the *mitzva*. One can rise to the loftiest goals possible by connecting to the power of the *mitzvot* as a whole and throughout time to which his specific *mitzva* is certainly linked. This connection is made by means of the *beracha* that one makes on *mitzvot*.

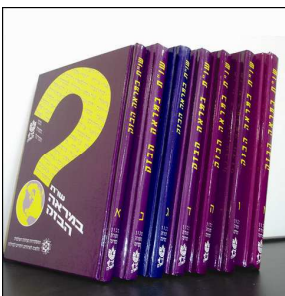
The purpose of the *mitzvot* is to elevate life to the highest possible level, at which point life itself has its own independent value. Otherwise, life in the present era, which is full of flaws and shortcomings, is not fit to be a goal of existence, as "against one's will he lives" (see Avot 4:22). Only in the future will life be an end rather than a means, as it will be pleasant and full of wisdom, power, justice, and joy. *Mitzvot* are arranged as straight lines that lead life to the goal of sanctity, and sanctity is by its definition a goal rather than a means. The *mitzvot* are able to cling to the person and sanctify his life already in the present. The sanctity that is built on the higher level of life in the future can only be reached based on the *mitzvot* of Hashem.

It is not possible for us, who are spiritually myopic and full of silliness, to know or clearly imagine the grandeur of holy lives in the truest sense. We certainly cannot fully grasp the strings that connect the flawed present to the complete future. We are not even able to truly desire to march on toward this sacred goal because one can desire only that which he can grasp.

Therefore, belief, albeit belief that is founded on the intellect, takes the place of clear knowledge. We know that Hashem gazes on a world of lofty life and that His plan is connected to the loftiest levels that life can reach. We also know that He established the *mitzvot* upon this goal. Therefore, only through the *mitzvot* of the Master of actions and the source of good, about Whom it is said, "I am first and I am last, and there is no G-d but me" (Yeshaya 44:6), do we find ultimate sanctity. This transcends any goal that is envisioned weakly by feeble eyes of flesh and blood.

[It is with these ideas in mind that we bless, "...Who sanctified us with His mitzvot..."]

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(based on Chelkat Yaakov, Choshen Mishpat 13)

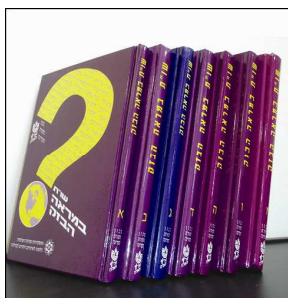
Case: Reuven (in the US) agreed to purchase from Yaakov a quarter share in a property in Northern Israel, in which Shimon, Levi, and Yehuda already had such shares. Reuven paid and signed a contract, but the sale was not recorded in the land registry. Sometime later, Yaakov allowed Shimon to back out of his deal and will replace him with another buyer. Reuven now wants to back out of the deal with two claims: 1. He mentioned at the time of the purchase that he is buying only because he knows the other partners, and he is not willing to expose himself to legal or neighbor issues with strangers. 2. The purchase is not complete without the land registration.

Ruling: It is wrong to claim that there is a clear assumption (*umdana*) that Reuven would not have purchased had he not believed that Shimon would be one of his neighbors/partners. After all, one can never be sure who his neighbors will end up being. Even if Yaakov had not released Shimon from his purchase, Shimon could have sold his share to whomever and whenever, even if it could be proven that it would damage his neighbor (Netivot Hamishpat 315:3). We must assume that Reuven bought with the realization that there was no guarantee in this regard.

Even if Reuven expressed the importance to him (*giluy da'at*) of the fact that Shimon was to be his neighbor, this will not nullify the sale. Tosafot (Ketubot 97a) says that a formal condition, not a mere *giluy da'at* even if it was made at the actual time of the transaction (see Tosafot, Ketubot 74b), is needed when the issue is not usually a "deal-breaker" for people. It is rare for someone to make a purchase dependent on the identity of a single neighbor. The Chacham Tzvi (135) posits that we trust only *Chazal* to determine which *umdanot* are reliable, and in our times we can only rely on *umdanot* that are ironclad.

In a case like this, when the money was already paid, it is even harder to reverse the transaction and demand the money returned. There are also opinions that *umdanot* to undo sales can only be made for the benefit of the seller, not the buyer (see Pitchei Teshuva, CM 207). The Chatam Sofer (CM 70) says that all should agree that one who buys real estate can be assumed to want the land even under less than ideal circumstances, and most *poskim* accept his opinion. It is even clearer regarding the prospect of acquiring land in *Eretz Yisrael*.

Regarding the lack of land registry, the Maharsham (Mishpat Shalom 190) says that if the sales deed is written in a serious manner, it is halachically valid even if it is not legally final and enforceable according to the law of the land. It is possible that there are those who argue [and in a post note, he cites the Aruch Hashulchan as saying that the land registry is necessary]. In any case, the Maharsham appears correct, and, additionally, Reuven would have to undergo the *mi shepara* process if he wanted to back out. Therefore, we should not allow Reuven to back out. [*These days in Israel, most batei din do not recognize a sale as binding until transfer in the Tabu (land registry).*]



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