



HaRav Shaul Israeli zt"l
Founder and President

HEMDAT YAMIM

Parashat HaShavua

Shelach, 26 Sivan 5775

On the Children of the Giants

Harav Yosef Carmel

The ten spies (excluding Yehoshua and Kalev), who came back from their mission with fear, also imbued the nation with great fear. When describing the giants and their cities surrounded by huge walls, the spies expressed feeling like midges or even like grasshoppers (see Bamidbar 13:28-33). Kalev ben Yefuneh, who was not intimidated by them because of his belief in Hashem, merited conquering Chevron, home to some of the most prominent giants, and receiving it as his estate (see Yehoshua 14:12-15; *ibid.* 15 13-14).

The giants are mentioned already in Sefer Bereishit (14:5). The context there is the battles of the enemies of Avraham, the four kings who were led by Amrafel, who *Chazal* identify as Nimrod, the tyrannical king who threw Avraham into a furnace. When Avraham emerged safe and victorious after defeating these kings and liberating his captive nephew Lot, there was a victory celebration in Emek Hamelech, which was attended by Malki-Tzedek, the King of Shalem (Yerushalayim).

The next generation to fight the giants of the region was that of David, the descendant of Ruth the Moavite, a descendant of Lot. David and his friends killed Goliath and "children of *Rafah*," who is identified as Orpah, sister-in-law of Ruth (see Shmuel II: 21:16-22 and Sota 42b). In a talk I have presented on Yom Yerushalayim, I mentioned that after David's killing of Goliath, he brought the latter's decapitated head to Yerushalayim.

At that point, a circle that had been begun at the time of Avraham was completed. Avraham was the first to see a special cloud over Mt. Moriah, signifying its sanctity and importance to him and future generations. The Divine Presence that dwelled at that place spread out over the entire Land of Canaan, turning it into the Land of Israel. Avraham, who was the father of the believers of his time, received the Land of Israel for the nation that he began in the merit of this belief. He knew that there were intimidating giants throughout the Land. Hashem sent Nimrod, of all people, a non-believer in Hashem, to defeat the giants. This actually made it easier for Avraham's descendants to acquire the Land. Kalev was another believer among those weak in belief, and he continued the job of killing giants who tried to stop Bnei Yisrael from acquiring the Land. David was chosen by Divine Providence to continue the job by killing Goliath and bringing his head to Yerushalayim. In that way, David proved that he was continuing the tradition of fighting the giants. He was the father of a Kingdom of Israel that was based on justice and charity in the Land given to Avraham and the sons of his grandson, Yaakov.

The battle for control of *Eretz Yisrael* is a long and exhausting one. Only one who is armed with a great amount of belief will merit seeing a State of Israel that is built in full glory and founded on justice and charity. Shortcuts and magical solutions largely contradict the approaches of Avraham and David.

Hemdat Yamim is dedicated to the memory of

Hemdat Yamim
is endowed by
Les & Ethel Sutker
of Chicago, Illinois
in loving memory of
Max and Mary Sutker
&
Louis and Lillian Klein, z"l

**R' Meir
ben Yechezkel
Shraga
Brachfeld**
o.b.m

**R' Yaakov ben
Abraham & Aisha
and
Chana bat
Yaish & Simcha
Sebbag, z"l**

**Rabbi Yosef
Mordechai Simcha
ben Bina Stern**
o.b.m
who passed away
21 Adar I, 5774

R' Shmuel Shemesh z"l,
Eretz Hemdah's
Board Member,
who passed away
17 Sivan, 5774

Rabbi Aharon Lichtenstein, zt"l Rosh Yeshivat Har Etzion
Mrs. **Sara Wengrowsky** bat R' Moshe Zev a"h, who passed away on 10 Tamuz, 5774



Eretz Hemdah

Deans: Harav Yosef Carmel, Harav Moshe Ehrenreich
2 Bruriya St. corner of Rav Chiya St.
POB 8178 Jerusalem 91080
Tel: 972-2-5371485 Fax: 972-2-5379626.
amutah number 580120780

American Friends

of Eretz Hemdah Institutions

c/o Olympian, 8 South Michigan Ave.,
Ste. 605, Chicago, IL 60603, USA
Our Taxpayer ID #: 36-4265359

www.erezhemdah.org info@erezhemdah.org

Donations are tax deductible according to section 46 of the Israeli tax code

by Rav Daniel Mann

Conflict Between “Salvation Day” and *Yahrtzeit*

Question: For many years, I have been celebrating a day on which I had a significant salvation. It now turns out it that it is my father's *yahrtzeit*. Can the two commemorations go hand-in-hand? If not, which has precedence?

Follow-up Question: What have you been doing until now, and what has changed?

Clarification: Since my father died seven years ago, I have been lighting a candle, learning *mishnayot*, and saying *Kaddish*, along with thinking about him a lot, on the *yahrtzeit*. Recently I realized that I miscalculated the Jewish date of the salvation; the true date falls on the *yahrtzeit*.

Answer: On the *yahrtzeit* that completes the twelve months of *aveilut* for a parent, the full laws of the year's *aveilut* apply (Rama, Yoreh Deah 395:3). In subsequent years, the laws of *aveilut* do not apply.

There is an old, recommended but not binding, *minhag* to fast on the day portion of a parent's *yahrtzeit* (Shulchan Aruch, Orach Chayim 568:7, Rama, YD 376:4). The Rama (YD 391:3) says that that one should not take part in festive meals from the night that begins the Jewish day. The Levush (YD 402:12) argues based on how he views the fast's logic. The *yahrtzeit* is a day of bad omens for the offspring, and the *teshuva* that accompanies the fast helps protect him. The Levush says that since it has nothing to do with *aveilut*, there are no restrictions on attending festivities the night before. The Shach (391:8) and others say that the *minhag* is like the Rama. These days, it is very common to not fast on a *yahrtzeit*. However, there is a stronger *minhag* to avoid or at least lessen one's participation in weddings. The Taz (YD 395:3) posits that *aveilut*-type behavior is indeed part of the *yahrtzeit* experience.

There are several grounds for leniency, besides the aforementioned Levush. Many (including Chochmat Adam 171:11) quote the Magen Avraham as saying that the aforementioned restrictions apply only on a *yahrtzeit* that ends the twelve months of *aveilut*. Additionally, the Pitchei Teshuva (YD 391:8) says that participation is forbidden only in a wedding, where the intensity of *simcha* activity exceeds that at other celebrations. Several *poskim* say that an *avel* is permitted to take part in a *seudat mitzva* such as a *siyum* (see Shach, YD 246:27). While the Shach (ibid.) cites the Maharil as not allowing a person to eat at a *siyum* on the *yahrtzeit*, that is when his *minhag* is to fast, and even then, the Maharam Shick (YD 369) rules that one who accepted the practice to fast can still eat at his own *siyum*.

What is the status of your self-created salvation holiday? The Chayei Adam (125:41), who instituted one when his family survived a fire, says that it is a *mitzva* to keep such a day. While the Pri Chadash (496:14) says that the ability to institute semi-holidays ended with the retraction of *megillat ta'anit*, a clear majority of *poskim* disagree (see presentation in Yabia Omer X, OC 53). Therefore, all of the aforementioned reasons for leniency exist in your case, and it is fully reasonable to celebrate your salvation on the *yahrtzeit*.

However, it is apparent from your question [only partially presented here], that you are uncomfortable with the combination, as is very understandable. Therefore, we do not recommend that you move your celebratory day to the *yahrtzeit*. While the meal you have on this day is likely a *seudat mitzva*, one is not obligated to institute it. Admittedly, once instituted, it is not a simple matter to undo it (beyond our present scope), but this is not a problem for you. Perhaps *min hashamayim*, the day you have been celebrating does not cause you a conflict. There are no set rules as to when and how to do such a celebration. Even Purim, after which the concept is modeled, is not held on the day of salvation. Some known “family Purims” consisted of a fast day on the day of salvation and a feast on a different day. Thus, you can continue on the day you instituted it (or a different one), so that the celebration and the *yahrtzeit* do not cast a shadow on each other.



We are happy to present our third volume of "**Living the Halachic Process**". The book offers a compilation of questions and answers from our "Ask the Rabbi" project. A companion CD containing source sheets for the questions is also available. The volumes can be purchased through our office at the special rate of \$24. Special offer: buy two out of three for \$37 or, buy all three volumes for \$54

Have a question? -email us at info@erezhemdah.org

Ein Ayah

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

For Everything a Time

(condensed from Ein Ayah, Shabbat 2:31)

Gemara: Rav Yosef's wife would light her Shabbat candles relatively close to sunset. Rav Yosef said to her: It is said in a *baraita* about the *pasuk* "The pillar of cloud would not be removed during the day, neither would the pillar of fire in the night" (Shemot 13:22) – this teaches us that the pillar of cloud would be added on along with the pillar of fire, and the pillar of fire would be added on along with the pillar of cloud. She thought that she should, then, light particularly early. A certain old man told her that it is written in a *baraita*: "As long as one does not light too early or too late."

Ein Ayah: The light of Shabbat gives light and pleasure and increases peace and sanctity, as it awakens the heart to the light of Torah, which flows from the spring of holy belief in the power of Hashem. These are things which Israel acquires in their hearts through the sanctity of Shabbat. This light also hints at the great light that will illuminate every dark spot with Hashem's light and honor when the Land will be filled with knowledge of Hashem during the era in which days will all be like Shabbat.

The broadening of the knowledge of Torah and of Hashem prepares the hearts of those who are fit to receive the light in the future. Since everything has its time, it is important to internalize that things work out that much better when they occur at their appointed time. The special light, when it will come at the time when the world is fit to benefit from such a bright light, will be very effective and will bring people close to Hashem's light, goodness, and truth. If someone will make a special effort to have it shine before its time, it will not be a blessing because few people will be able to withstand it. It will actually cause people to be damaged and make mistakes, as it will create a darkness of sorts. It is important to realize that opposites are connected to each other and focus on a true light that Hashem prepared to be uncovered at the correct time. Therefore, one should not think that light has no place in the period before the great light. Actually, that period of darkness helps pave the way for the light. A pillar of cloud brings a certain amount of darkness. And this causes the pillar of fire to illuminate significantly.

Similarly, there are actions in the realms of knowledge, justice, and love and fear of Hashem that are made possible specifically by darkness. These are not intrinsically positive actions but those that pave the way for positive things in the future, in an up-and-down pattern that Hashem arranges. That is why the pillar of cloud is added to the pillar of fire and the pillar of fire is added to the pillar of cloud.

There is a parallel relationship between weekday and Shabbat. It is important to show that Shabbat has a connection to weekdays. Shabbat impacts on the week, and the week actually impacts on Shabbat, as the week allows Shabbat to stand out as special. Delaying the lighting of Shabbat candles until close to sunset would indicate that there is no connection between the light of Shabbat and weekday. This is a false message, as weekdays were made to help prepare us for the light of Shabbat. That is why we make sure to light candles while it is still light outside, just as the fire in the desert arrived during the day, when the cloud was still functioning. This shows their harmonious interaction.

On the other hand, it is not good to light the Shabbat candles too early. This shows that the light comes later because that is the proper time for it to appear. Something that adds so much goodness at the right time will not be helpful at the wrong time. "There is a time for every endeavor" (Kohelet 3:17). That is why one should neither light candles too early nor too late.

Hemdat Yamim is dedicated in memory
of those that fell in the war for our homeland.



Responsa B'mareh Habazak, Volumes I, II, III, IV, V, VI, VII and now VIII:

Answers to questions from Diaspora rabbis. The questions give expression to the unique situation that Jewish communities around the world are presently undergoing. The answers deal with a developing modern world in the way of "deracheha, darchei noam". The books deal with the four sections of the Shulchan Aruch, while aiming to also take into consideration the "fifth section" which makes the Torah a "Torah of life".

Special Price: \$15 for one book or \$105 for 8 volumes of Responsa Bemareh Habazak (does not including shipping)

Attempt to Limit the Duration of a Rabbi's Contract

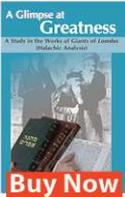
(based on Shut Chatam Sofer, Choshen Mishpat 5)

Case: A community sent a request to the Chatam Sofer to agree with their claim that they could reduce their rabbi's weekly salary of 20 gold coins after three years on the job. Members of the lay leadership had signed on a contract that the rabbi wrote, which stated that the salary was for as long as he remained. However, they claimed that it was orally agreed that it was only for three years and that people signed without being aware of what the rabbi had written.

Ruling: I can find nothing wrong with the obligation as found in the document. An employment agreement into an open-ended future is valid (see Shach, CM 60:11). The claim that the written word is not true to the agreement is unacceptable. The Rashba writes that even if one who obligates himself with his signature can prove that he is not able to read the document he signed, his signature confirms that which is written, as he can be assisted by others as well. In a case where witnesses sign, we apply the rule that witnesses would not sign unless they knew that the one who obligated himself understood what was written in the document. (There is a difference between the two contexts in that when one signs his own contract, even tangential pieces of information are included in his admission, whereas when witnesses sign, it is only regarding the main topic at hand.) Therefore in this case, not only are the community representatives who signed bound by the document, but even those who did not sign can be assumed to have been consulted by those who signed on their behalf.

Another factor is that there is an assumption that the rabbi would not have the gall to write in a publicly signed document something that contradicts the agreement that had just been made. Also, the fact that for three years there were no complaints about the document is a sign that even those who did not sign did not have complaints about what their colleagues had signed. If they never made themselves aware of what was written in the contract, they are responsible for their own negligence.

The above is true for any employment agreement between a community and its employee. Regarding a rabbi, we can apply the Rambam's (Shekalim 4:7) ruling that those holding rabbinical positions are to be supported by the community according to their needs, including those of their wife and children, even if the rabbi does not want to accept the money. It appears that the Rambam is hinting at a case where the rabbi's household grew during his time in office, which might have made him feel it is unfair to raise his salary. Even in that case, the community is responsible to provide for his household as it presently is. Twenty gold coins is a low salary by our time's standards. Thus, even if there were no contract, I cannot understand how the community would think to lower the rabbi's salary beneath that rate, when, if anything, it should be raised. This is all the more true when the rabbi is a great scholar and a humble man, who by all measures is deserving of the community's support. May treating him properly bring good tidings to your community!



NEW BOOK!!

A Glimpse at Greatness

A Study in the Works of Giants of Lomdus (Halachic Analysis).
Including Short Biographies of the Featured Authors
and "An Introduction to Lomdus"
by **Rabbi Daniel Mann**, Dayan at Beit Din "Eretz Hemdah - Gazit"

Buy Now

Eretz Hemdah is the premier institution for training young rabbis to take the Israeli Rabbinates' rigorous Yadin Yadin examinations. **Eretz Hemdah**, with its distinctive blend of Religious Zionist philosophy and scholarship combined with community service, ensures that its graduates emerge with the finest training, the noblest motivations resulting in an exceptionally strong connection to Jewish communities worldwide.