



HaRav Shaul Israeli zt"l
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HEMDAT YAMIM

Parashat HaShavua

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How Low Can We Reach?

Harav Yosef Carmel

One of the serious commandments in our *parasha* is to be careful not to be swayed by the ways of idol worship in the Land, such as burning one's children in the fire to the idols (Devarim 12:30-31). Indeed there was a very great concern that after entering the Land, Bnei Yisrael would be negatively impacted by the indigenous population. The Torah went about this in an interesting way, claiming that the idolatry was so despicable that people actually killed their children in the process.

Is it possible that the Canaanites actually stooped that low? More importantly, was there really a chance that the sons of Avraham, people described as merciful, shy, and full of kindness, could embark on such a path?

If we take a look at *p'sukim* throughout *Tanach*, we indeed see that not only did the seven nations and the descendants of Lot commit the heinous crime of killing their own children, but even members of our own nation did so. We will prove this claim based on two sources.

The first is related to the account of King Yehoshafat of the Kingdom of Judea, who helped King Yehoram of the Kingdom of Israel put down the rebellion of King Meisha of Moav. The aftermath of the battle is described as follows: "The King of Moav saw that the battle was beyond his strength ... and he took his oldest son, who was to rule after him, and brought him as a sacrifice on the wall, and there was great anger at Israel, and they left him and returned to their place" (Melachim II, 3:26-7). There are many opinions as to what happened, as Rav and Shmuel (Sanhedrin 39b) argued as to whether Meisha brought his son as a sacrifice to Hashem or to idolatry. Regarding the anger against Bnei Yisrael, the *gemara* explains that if Meisha sacrificed for idolatry, the anger at Bnei Yisrael was that some of them had done the same.

In *Sefer Yeshaya*, within the prophecies of consolation, there are *p'sukim* that illustrate how drastic the deterioration reached at the time of King Menasheh (Yeshaya 57:3-7). The *p'sukim* speak of bringing objectionable sacrifices and of slaughtering the children under the trees along the streams. Although the words are difficult to translate (and so, we did not try to present them in this forum), it is hard to deny that the *p'sukim* refer to the exact phenomenon that we initially wondered if it could occur within our nation.

Let us summarize the situation as follows. Bnei Yisrael are the chosen and beloved of Hashem and are referred to as "the holy flock" and a "light unto the nations." Yet, as great as their level, so is the magnitude of the spiritual fall that they can experience. Let us make our efforts that we make continuous strides in the proper direction.

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Ask the Rabbi

by Rav Daniel Mann

Eating before *Kiddush*

Question: As a nursing mother, I sometimes get very hungry or thirsty between when I light candles and when my husband comes home from *shul*. When this happens, is it permitted for me to eat or drink?

Answer: We start with a look at the halachic indications when there are not extenuating circumstances. Then we can look for the best solutions based on need.

The *gemara* (Pesachim 106b) cites a *machloket* on whether one who ate before making *Kiddush* is able to make *Kiddush* afterward. We accept the opinion that he may (Shulchan Aruch, Orach Chayim 271:4). However, all agree with the implication that it is wrong to eat, even small quantities, before *Kiddush* (ibid.).

Often, prohibitions on eating do not apply to drinking water, including before *Havdala* (ibid. 299:1). The Rosh (Shut 25:2) explains that due to the concept that any eating done on Shabbat has importance, it is forbidden to drink water before *Kiddush*. However, there is a *machloket* whether this concept applies during twilight, and thus it is not clear whether one may drink water at that time (Da'at Torah, OC 271:4).

When does the basic (Rabbinic) prohibition begin? The *poskim* assume that once it is possibly Shabbat (from sunset) or one accepted Shabbat, it is forbidden to eat (Bach, OC 271; Mishna Berura 271:11). When women light Shabbat candles, they accept Shabbat (Rama, OC 263:10). Therefore, most assume that it is forbidden for a woman to eat or drink after lighting candles before making *Kiddush* (Shemirat Shabbat K'hilchata 43:45).

The Dagul Meirevava (to Shulchan Aruch, OC 261:4) says that while *davening Ma'ariv* makes it Shabbat in regards to all Shabbat prohibitions, it is questionable whether other forms of accepting Shabbat early obligate one to adhere to all Rabbinical laws (Shulchan Aruch, OC 393:2). The Minchat Yitzchak (VIII:18) entertains the possibility that it would be permitted to eat after candle lighting before *Ma'ariv*. However, he is unwilling to be practically lenient without the presence of other reasons for leniency (e.g., the case he discusses, where one is drinking water to swallow medicine). The Shemirat Shabbat K'hilchata (43:46) is willing to be lenient for a woman who is thirsty to drink water and, in a case of need, tea.

As mentioned, candle lighting likely makes it forbidden for a woman who lit to eat because, with it, she accepts Shabbat. It is generally accepted conceptually that a woman can have explicitly in mind to not accept Shabbat with her lighting (Shulchan Aruch and Rama, OC 263:10). In practice, because this is not a unanimously accepted possibility, *poskim* rely on such a condition only in cases of significant need (Mishna Berura 263:43). Along these lines, Shemirat Shabbat K'hilchata (43:47) allows a woman who is feeling weak or who is nursing to eat as she likes after candle lighting if she made that condition.

However, these leniencies of the Shemirat Shabbat K'hilchata's are only if she finishes eating **before** sunset. What if a woman gets particularly hungry after that, especially if she is nursing? While there are significant leniencies for nursing mothers so that their milk supply should not be affected, waiting an hour is unlikely to affect that. However, she is still the type of person who, in many cases, may have unusual *tza'ar* if she cannot eat when the feeling hits her. Nevertheless, in almost all cases, it is hard to be lenient, and that is because she almost always has a great alternative – to make *Kiddush* before her husband comes home (see Minchat Yitzchak ibid.). There is no halachic reason not to do so. Even if it is not accepted in the family, hopefully a simple discussion with her husband, with the pertinent information, should convince all that her making *Kiddush* is better than her eating or drinking after sunset before *Kiddush*. On the other hand, every rule has exceptions, and when there is an acute need, one can be lenient soon after sunset as well, especially to drink any amount of water.



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Not Giving the Wrong Impression about Great People

(condensed from Ein Ayah, Shabbat 2:238)

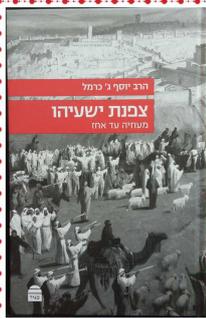
Gemara: There are three types of *hadrokan* (an internal abdominal disease): if it stems from sin, [the flesh – Rashi] is hard; if it stems from famine, it is bloated; if it comes from demons, his flesh is thin. Shmuel Hakatan was afflicted by it. He said: “Master of the Universe – who will be able to tell what the cause is?” He was healed. Abaye was afflicted by it as well. Rava said: “I know about the son of Nachman (nickname of Abaye) that he would starve himself.”

Ein Ayah: A person finds himself in a tight place between his various tendencies. It is difficult to find the exact balanced approach, and one does not succeed without first having failed. The mistake of great *tzaddikim* is to distance themselves too far from matters of physicality, to the point that they bring upon themselves afflictions of love such as this. This helps them clarify how they should be weighing each element and giving each power in life its full share.

That which is good for a *tzaddik* emerges from the “rebuke” he receives by means of this affliction, allowing him to hold on to the most exact line. However, he is likely to be concerned about the effect that the publicizing of his affliction will have on others, as they are likely to not understand the full significance of the affliction. People can think that the *tzaddik*'s affliction is also like that which affects average people, who get *hadrokan* because of sin and over-exposure to physicality. Then they will think that even the approach of the *tzaddik*, which seems significantly removed from physicality, is still not enough to make Hashem happy. This will give a distorted picture of proper ethics. It will also make people give up hope of ever succeeding in following the straight path, as they perceive that no one can succeed.

This is against one of the purposes of a *tzaddik* in setting his path, which is to improve the spiritual lot of others. When he sees that that which was subscribed for him to help further his moral standing will cause others to falter, he would prefer to give up his personal moral improvement on behalf of that of the broader community. This is the proper approach of one who is trustworthy to Hashem. Since Hashem does the desire of those who fear Him (based on Tehillim 145:19), Shmuel Hakatan was healed.

There is also a point to *tzaddikim* such as Abaye being punished for having an exaggerated approach to their service of Hashem. This can have the positive effect of convincing more normal people from attempting behavior of extreme piety, which should be designed for those who are especially great. Actually, only the more normally travelled path of Torah is fit for the masses, even as we should not cast aspersions on great people who go beyond that. That is why Rava made the statement that he knows that extreme asceticism is what caused Abaye's problem. Abaye was able to suffer and overcome the problem, whereas common people should not, Heaven forbid, follow such an approach, which is improper for them.



Tzofnat Yeshayahu- Rabbi Yosef Carmel

The Prophet Yeshayahu performed in one of the most stormy and dramatic periods of the Israeli nation's life, a period of anticipation for the Messiah that was broken by a terrible earthquake, and also caused a spiritual and political upheaval. The light at the end of the tunnel shone again only in the days of Chizkiyah.

"Tzofnat Yeshayahu – from Uziya to Ahaz" introduces us to three kings who stood at this crossroad in our nation's history: Uziya, a king who sought God but was stricken with leprosy because of his sin; Yotam, the most righteous king in the history of our people; And Ahaz, the king who knew God but did not believe in His providence.

In his commentary on the prophecies of Yeshayahu, Rabbi Yosef Carmel, Head of the Eretz Hemdah-Gazit rabbinical court and a disciple of Rabbi Shaul Israeli zt"l, clings to the words of Hazal, our sages, and to the commentaries of the Rishonim, the great Jewish scholars of the middle ages, and offers a fascinating way to study Tanach. This reading attempts to explain the Divine Plan in this difficult period and to clarify fundamental issues in faith. Tzofnat Yeshayahu reveals to the reader the meaning of the prophecies in the context of the prophet's generation and their relevance to our generation.

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Payments Due from Exiting a Rental

(based on ruling 74020 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The plaintiff (=pl) rented an apartment to the defendants (=def) for a year and renewed it for another year, until June 30, 2014. Several of def's rental checks bounced, and in Sept. 2013, pl informed def that he was ending the rental unilaterally and setting def's exit date as the end of Dec. 2013. On Dec. 3, def informed pl that he had vacated the apartment. Pl made it to the apartment on Dec. 18 and found that it was not left in proper order. It was dirty and there was mold on the ceiling, which was caused by a neighbor's leak. Since def had not reported it, it was too late to make the neighbor pay, and the necessary paint job was more expensive (3,000 shekels) than it would have needed to be (2,500 shekels). Def also had a debt to the va'ad bayit, which he attributed to a rightful refusal to pay due to unfair treatment by the neighbors. Pl had receipts that he paid the va'ad bayit instead of def. For most of the time until the end of the contract, pl was unable to find renters, and so they are also demanding payment of lost rent, which became necessary due to def's lack of payment. Pl is also demanding 1,000 shekels for work he missed plus 300 shekels for the roundtrip to travel the great distance from his home to the apartment for each of four days to deal with damages and the turnaround to a new renter.

Ruling: Beit din accepts pl's claim for rental payment until Dec. 31, not Dec 3. Lack of payment is a basic breach of contract, which justifies termination of the rental, and pl had the right to set the date for the end of the rental. Once it was set, if def wanted to leave earlier, they were required to give thirty days' notice, no less that a renter who is living without a contract that states a specific time (based on Shulchan Aruch, Choshen Mishpat 312:7).

Payment for lost revenues after Dec. 31 can only be based on claims of damage, not of agreement, as the rental agreement was over. Beit din rejects this claim, as pl had every opportunity to prepare to find another renter, and the fact that he did not succeed is too indirect to obligate def.

There is no evidence that pl will not be able to demand money from his neighbor because of the delay in reporting the leak. The only circumstance, a more expensive paint job, is not considered a direct enough damage to obligate def. In general, and according to their contract, def should paint after leaving, and they are to pay 2,500 shekels, as the normal cost of painting.

Regarding va'ad bayit payments, def's unsubstantiated claims about problems with the neighbors are insufficient to make it necessary for pl to pay them instead of def. Since pl presented receipts of his payment, def has to reimburse pl for the 2,000 shekels he paid.

Regarding paying for the days pl took off to take care of the transition and damages, it is wrong to obligate def for most of it because it is natural when one leaves a rental that this will take time for the landlord. However, due to the special circumstances, beit din awards pl 1,000 shekel for this element, based on its authority to rule based on compromise.

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