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Parashat HaShavua

Noach, 4 Cheshvan 5777

Tzaddik and Tamim

Harav Yosef Carmel

We have explained in the past that Shaul was chosen as king because his family "lit up dark roads." We will now try to determine from whom they learned this trait.

Noach is categorized in the *parasha's* opening as a man who is *tzaddik* (righteous) *tamim* (perhaps most safely translated as complete). Some say that these two adjectives relate to different sides of his persona. Ibn Ezra and Seforno say he was a *tzaddik* in his actions and *tamim* in his thought. Avot D'Rabbi Natan says that *tamim* related to his body, as he was born circumcised, so he was complete without the need to be fixed. The Ramban says that *tamim* means that he was complete in his righteousness.

According to all approaches, why was such a great man unable to impact his generation? According to the opinion that "in his generations" means that in comparison to other generations he was not exceptional, we understand, but according to the opinion that it was a praise that he was able to maintain his righteousness even in a difficult generation, the matter is difficult.

Members of the Gerrer dynasty developed a beautiful approach in this regard. The Sefat Emet (5652) cites the *gemara* (Taanit 15a) that *tzaddikim* provide light and *yesharim* (the straight) provide joy (based on the *pasuk*: "*Ohr zarua latzaddik u'leyishrei lev simcha*" (Tehillim 97:11)). He explains that *tzaddik* refers to the level people reach after the sin of Adam, and this is what Noach attained. Our forefathers are referred to as *yesharim*, whose *simcha* hints at the level of man before that sin, which is related to the joy that existed in the Garden of Eden.

The Sefat Emet explains the connection between Yom Kippur and Sukkot along similar lines. Yom Kippur is dedicated to making us *tzaddikim*, as we emulate angels. Sukkot is a holiday of joy, when we are able to take mundane agricultural leftovers and turn them into a holy *sukka*.

The Sefat Emet's grandson, the Lev Simcha, applies these concepts to the context of Noach and Avraham. *Tzaddik tamim* means that Noach insulated himself from interaction with the people of his generation so that they would not ruin his righteousness. Avraham, in contrast, was a *chasid*, meaning that he loved Hashem enough to make a difference in his generation.

The *midrash* (Bereishit Rabba 30:10) compares Avraham to a friend of the king who saw him in a dark alley and started to light it up through a window. The king asked him to do better and come outside with a lantern. It cites a *pasuk* about Avraham that demonstrates that he was the epitome of lighting the alley for the King. The Sefat Emet explains that Avraham's *mesirut nefesh* in spreading the light made him fit to be a leader, a *chasid* who outshone the *tzaddik tamim* that Noach was.

On Yom Kippur, we give permission to pray with the sinners, but we still emulate the angels who are beyond serious contact with people. On Sukkot, we take the *etrog* (representing the righteous) but can only fulfill the *mitzva* if we combine it with the *arava* (representing sinners). Rav Tzvi Yehuda Kook often pointed out that there is even a *minhag/mitzva* accomplished with the *aravot* alone and not with the *etrog*. We, of course, prefer the *mitzva* of combining them all.

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Ask the Rabbi

by Rav Daniel Mann

An Israeli Being a Chazan Abroad Before Dec. 5

Question: If a "chiyuv" to be a *chazan* is abroad between 7 Cheshvan and Dec. 5th, is it okay for him to be a *chazan*? Does he say "v'ten tal umatar livracha," (=vtum) during his silent *Shemoneh Esrei* (=SE) and *chazarat hashatz*?

Answer: We discussed the matter of travelers to *chutz la'aretz* during this time of year in Living the Halachic Process (II:A-11), and we start with a summary. If an Israeli is abroad on 7 Cheshvan and will be returning during the year, he should start asking for rain on 7 Cheshvan. While some say to do so in its regular place, it is preferable to make the request during the *beracha* of *Shomeiah Tefilla*, due to a *machloket* on the matter. If he started reciting *vtum* in Israel and traveled later, it is even clearer that he should continue doing so, and there is more reason for him to do so at its regular place.

One can question permissibility to be *chazan* on two grounds. One is the question whether someone who is obligated in one form of *SE* can function on behalf of a *tzibbur* that is obligated in a different form. Regarding the matter of an Israeli being *chazan* for a *chutz la'aretz* community on second day of *Yom Tov*, this is a daunting halachic problem (see Bemareh Habazak II:36). One can claim the same issues apply here. However, stringency requires making several assumptions (see responsum of Rav C.P. Scheinberg in *Yom Tov Sheni K'hilchato*, p. 415-423), and it is very unlikely that all of them are correct. The great majority of *poskim* say that this is not a problem (see *Minchat Yitzchak* X:9, *Yom Tov Sheni* 10:6). Therefore, he can serve the *tzibbur* according to their needs, which is to not say *vtuv*. (Yalkut Yosef (5745 ed., vol. I, p. 264) says that even within *chazarat hashatz* he should unobtrusively whisper *vtuv* during *Shomeia Tefilla*. However, that is practically and halachically problematic, and is not accepted practice.)

Another issue is how the *chazan* deals with his conflicting needs during silent *SE*. On the one hand, he is obligated to have a *SE* that includes *vtum*. On the other hand, *Chazal* instituted silent *SE* for a *chazan* who is about to recite *chazarat hashatz* (which is a valid *SE*), in order to practice for that task (*Rosh Hashana* 34b). If our traveler says *vtum* in its regular place, he is practicing in a way that would ruin his *chazarat hashatz*, which makes his *SE* self-defeating. Yet, the *Birkei Yosef* (117:8) says that this is what he does. He cites as a source the *Taz's* (117:2) idea that a community that needs rain at a time when *vtum* is not said can ask in *Shomeia Tefilla* (including the *chazan*) even though *chazarat hashatz* cannot be done that way.

Several *poskim* see this setup as not problematic at all (see opinions in *Yom Tov Sheni K'hilchato* 10:(17)), while others prefer avoiding the situation (see *B'tzel Hachochma* I:62; the *Birkei Yosef* also implies it). It likely depends on whether we say the idea of practicing is just the original reason to institute silent *SE* or that it remains the practical guide for how the *chazan* does the *SE*. Another application is the question whether a *chazan* uses his own *nusach* for silent *SE* when leading a *shul* with a different *nusach*. The *Minchat Yitzchak* (VI:31) justifies what he claims the *minhag* is to use one's own *nusach*, by saying that it is enough that he does *chazarat hashatz* from a *siddur*. In contrast, *Igrot Moshe* (OC II:29) posits that the practice *SE* should be done as *chazarat hashatz* will be, i.e., like the *tzibbur*.

As a *chiyuv*, you have certainly have the right to be a *chazan*, whether because of the opinions that there is no problem or because being precluded from being *chazan* is a *b'dieved* situation. We add the following suggestion (not requirement). If the *chazan* adds personal requests in *Shomeia Tefilla*, he should say *vtum* along with them instead of at its regular place, with the following logic. Some *poskim* say to do so even when not a *chazan*, he certainly fulfills his obligation, and since the *chazan* never adds requests in *chazarat hashatz*, saying *vtum* will not cause a mistake.



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Leaving Everyone and Everything Behind

(condensed from Ein Ayah, Shabbat 2:267)

Gemara: [Rabbi Shimon and his son left the *beit midrash*] and hid in a cave. A miracle occurred and a carob tree and a wellspring were created. They removed their clothes and would sit up to their necks in sand. All day they would learn.

Ein Ayah: When Rabbi Shimon and his son reached the peak of intellectual elevation, the environment of the *beit midrash* was no longer able to absorb the great glow of their research and their lofty thoughts. That is when Hashem arranged matters so that all of society would be distanced from them, for they had far surpassed everyone else. That is why they hid in a cave, a place where the multitude of living people, with all of their imaginations, could not approach them and disturb their lofty scholarship. At this point, Rabbi Shimon and his son lacked even the slightest need to be connected to social life, whose members had no chance of reaching the bar of their ultra-demanding moral and intellectual standards.

This is the reason that their food came specifically by means of miracle. They were supported from a carob tree, as it is a sign of a society where people have loving concern for others, as one who plants a carob tree does not usually live long enough to enjoy its fruit. Rather, he plants for future generations, as previous generations did for him.

Therefore, this is most appropriate for the great intellect of geniuses of the generation, who connect to the greatest benefits of all time, the intellectual treasures that are passed from generation to generation.

The wellspring of water came to them from nature itself by means of a miraculous divine act. It is the most pure of elements, unrelated to any human intervention, which could contaminate it in any way with materialistic tendencies. Even remnants of society, such as clothes, could not fit their present intellectual heights and visions of life, in which they left the lowliness of the present behind them. That is why they removed their clothes and sat in sand up to their necks.

Prayer – A Time to Connect to Society

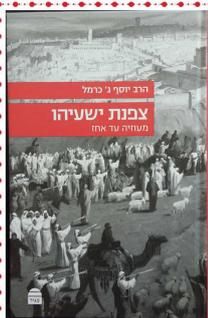
(condensed from Ein Ayah, Shabbat 2:268)

Gemara: When Rabbi Shimon and his son prayed, they wore their clothes and prayed and then removed their clothes again so that they would not get worn out.

Ein Ayah: Prayer is related to emotions, and, therefore, it has a connection to social life. Therefore, specifically at the time of prayer did Rabbi Shimon and his son allow themselves to use something that was man-made. This required something connected to human interaction, as imperfect as that is, as during prayer it is necessary to address the needs of the present.

In truth, one can be on the highest level and still find advantage in social life, and this can fit in with the highest and holiest intellectual level. There were times that even after prayer, Rabbi Shimon and his son remained in a situation that they could have remained connected to society. This was as long as the light of divine emotion that is related to the intellect reached the highest possible level, so that it properly connected to all elements of life. However, they reserved this rare state for the times that it was most needed, which was the time of prayer. At that time, it was easier to preserve the connection between the intellect, emotion, and society because that was their focus at the time of prayer.

Therefore, on a regular basis, they would remove their clothes (i.e., their connection to society), so that they not get worn out. At the time of their learning, when they had no natural need to be connected to society, it would have been difficult for them to preserve this connection.



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 z"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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Fixing Status of a Non-Standard Apartment – part II

(based on ruling 74031 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The plaintiffs (=pl) bought from the defendant (def), for 910,000 shekels, an apartment in an old building that does not have a building permit or a *Tofes 4* (certificate of fitness for occupancy). It is also not connected directly to a meter of the electric and water companies (they pay through a neighbor). After pl complained to the municipality, the latter issued an order to destroy the building (it may never be acted upon). Def did not inform pl of these deficiencies but argues that pl could have easily found out themselves. Pl demand that def take action to fully legalize the apartment/building, the feasibility of which is under dispute between the sides. Alternatively, pl demand 400,000 shekels compensation. Def claims that the building's legal status does not affect the apartments' value. He offered pl to try to sell the apartment, and if they cannot get a price that is fit for normal apartments, def will buy it from them at full price. Def made several other offers involving buying back the apartment with certain conditions, but pl want to stay in the apartment.

Ruling: We saw last time that def did not obligate himself as part of the sale to take unusual steps to turn the sale into a more fair one.

The sides disagreed as to whether the apartment's flaws are grounds for *bitul mekach* (voiding the sale). Based on the accepted ruling that *bitul mekach* is applicable in cases where most in society would consider it grounds, *beit din* is confident that pl could have voided it. Absence of a building permit and *Tofes 4*, even according to def's claim that this is because the building existed pre-State, can cause major problems for owners, including condemnation of the building (as the municipality did) and make resale at full price very difficult. Def claimed that it would have been only an act of piety to inform pl of this fact. *Beit din* strongly rejects this and asserts that def violated the prohibition of deceiving a buyer (see Shulchan Aruch, Choshen Mishpat 228:6).

Yet, there are a few reasons to consider that pl waived their right to *bitul mekach*. One is that their contract states that they checked the status of the apartment and found that it met their needs. That clause could have impact by meaning that they admit that the true situation did not bother them or that they waived complaints in case there would be any. Pl responded that at the time, they were new *olim* and his lawyer, who was not from Yerushalayim, checked only the Tabu and did not think to check for a building permit. In this case, pl's actions show that they were not satisfied with the situation, in which case any admission was clearly based on misinformation, which is invalid (Shulchan Aruch, CM 81:20).

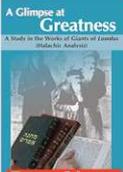
Regarding waiving rights, one can only waive what he is aware of (ibid. 232:7). However, even after finding out the various issues, pl continued to live in the apartment. This usually precludes *bitul mekach* (ibid. 1), although some argue in cases where it would have been hard for the buyer to void the sale immediately (see Pitchei Teshuva ad loc.). However, def did not complain for many months and despite *beit din's* request to raise all possible demands, did not mention the possibility of *bitul mekach*. Therefore, pl can no longer request *bitul mekach*.

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