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HEMDAT YAMIM

Parashat HaShavua

Yitro, 22 Shevat 5777

The Power of Unity

Harav Shaul Yisraeli – based on Siach Shaul, p. 236-7

The *midrash* (Bamidbar Rabba 15:18) connects the *pasuk* "Assemble for me seventy men" (Bamidbar 11:16) to the *pasuk* in Amos (9:6): "He builds upper chambers in the heavens, and His *aguda* (binding together) He founded on the earth." The *midrash* takes this to mean that, *kav'yachol*, Hashem's throne in the heavens is only firm if Israel is bound together in unity. Another powerful *midrash* along this line says that even when the Northern Kingdom of Israel was guilty of idol worship, Hashem left them intact because they were connected to each other (Bereishit Rabba 38:6). What is so positive about the unity between sinners?

On the *pasuk* describing Bnei Yisrael's preparations to receive the Torah, "They stood at the bottom of the mountain" (Shemot 19:17), *Chazal* say that Hashem held the mountain over them to make sure they accept it (Shabbat 88a). A *midrash* (Shemot Rabba 42:8) says that Bnei Yisrael's statement "We shall do and hear" lacked full conviction. How could that be considering that Bnei Yisrael were so praised and rewarded for these words (see *gemara* *ibid.*).

Bnei Yisrael made it to the point of accepting the Torah by jumping through a great number of levels from the bottom spiritual rung (49th level of impurity) to the highest levels. How did this happen? They were aided by miracles and revelations, in line with *Chazal's* comment that maidservants saw more divinity at the splitting of the sea than Yechezkel saw in his prophecies (Mechilta, Beshalach 3). These revelations left no room for doubt about Hashem, and when there is no doubt, what choice does one have but to accept the Torah that Hashem is giving you? This is the holding of the mountain over their head. While Bnei Yisrael did not mean "We shall do and hear" insincerely, still it was the result of a rare level of amazement. Since the commitment they naturally made did not have a chance to penetrate their consciousness, *Chazal* viewed it as equivalent to an incomplete acceptance.

But still how did they make it to this exalted level? It is by encamping at Sinai in a manner of unity that made them fit to be described in the singular (see Rashi, Shemot 19:2). The logic is as follows. Every Jew has two special powers: the innate character of greatness (*segula*); the power to act properly. That which we say, "Even though a Jew has sinned, he is still a Jew" (Sanhedrin 44a) emanates from the power of *segula*. The national power of *segula* is linked to the unity within the nation, making them a distinct nation. Then, the combination of the *segulot* of each part of the nation enables the practical power of Israel to be revealed.

It is for this reason that responsibility for the private actions of other Jews begins only after they crossed the Jordan together – the time that the nation truly worked as one unit. Then, when one organ malfunctions, it affects the whole body. Inversely, when things are working properly, the innate levels sparkle brilliantly, and the Torah can be followed in a complete manner. This is the idea of the binding together that is created by the unity on the earth.

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Ask the Rabbi

by Rav Daniel Mann

Does a *Chatan* Daven with a *Minyan*?

Question: I have heard that a *chatan* during the week of *sheva berachot* does not need to *daven* with a *minyan*. Is there anything to that, and what would the reason be?

Answer: There is something to what you have heard, but it has less to do with a *minyan* than with going to *shul*. Let us discuss the issues and put things in perspective.

The Shulchan Aruch (Orach Chayim 131:1) says that *Tachanun* is not recited in a *chatan's* house because the *simcha* of a *chatan* and the somberness of *Tachanun* do not go together well. The Rama (ad loc.) says that this is even when the *chatan* comes to *shul*, but only on the wedding day. The Taz (ad loc. 10) says that it applies all seven days after the wedding and comments that for this reason, a *chatan* should not come to *shul* during this time so as not to deprive people of *Tachanun*. The Mishna Berura (131:26) cites the Taz without dissent.

Contemporary *poskim* point out that some disagree with this restriction/recommendation (see Nitei Gavriel, Nisuim 63:4; Dirshu 131:(41)). Let us briefly analyze. While the *tzibbur* rarely minds missing *Tachanun*, it is an important prayer (see Mishna Berura 131:1). Still, should we exclude such an honored person (see below) who has done nothing wrong? Rav S.Z. Auerbach (cited in Tefilla K'hilchata 15:(41)) posits that according to the Rama, that it is only on the wedding day, people are correctly happy to share his *simcha* at the price of *Tachanun*, but for the Taz, who applies the exemption for a week, it is more of a problem to take away *Tachanun* that much (we hope for many weddings during the year). In answering why a *mohel* is not told not to come to *shul*, he also adds that due to the stature of a *chatan* and his (one-time, *iy"H*) preoccupation with his new wife and status, the importance of his *tefilla b'tzibbur* is diminished. This explains why we may prefer him to not come to *shul*. I would put it this way. Consistently *davening* in *shul* helps the individual and *Klal Yisrael*. A *chatan* personally has a halachically recognized competing reason to stay home (like the *halacha* to not go to work that week). The fact that his presence deprives the community of *Tachanun* is enough to tip the scale in favor of *davening* at home in the presence of his *kalla*.

Another reason not to go to *shul* is the concept that a *chatan* (and *kalla*) should not go on the streets by himself (Rama, Even Haezer 64:1). Some explain the practice based on concern for his physical and/or spiritual welfare (based on Berachot 54b). Others (Perisha, Even Haezer 64:1*) connect it to his stature resembling a king, who does not go unaccompanied (Pirkei D'Rabbi Eliezer 16). There are questions as to whether this applies in safe places/times (daytime). In any case, an escort of one including the new spouse suffices (see Nitei Gavriel, Nisuim 56:(10)), so this impediment is solvable.

Let us turn to practical guidelines and perspectives. If there is a *minyan* at *Sheva Berachot*, the *chatan* should take part, which should make the *kalla* happy. Going to *shul* can depend on the circumstances. If the couple is careful about not going out alone (which *Askenazim*, especially those with Chassidish leanings, are more likely to be), then he should consider the feasibility of the alternatives. Does he have someone to escort him both ways, without unreasonable *tircha* or discomfort to the *kalla*? Is it feasible and is the *kalla* interested to come to *shul* herself? How important is it to the *chatan* to not miss *minyan*, even on such a week? How important is it for the *kalla* that her *chatan* does not miss *minyan* "because of her" and that he/they thank Hashem for their marriage and add requests in an optimal setting for its success? It is not always simple for a *chatan* to raise these questions and get honest answers about how his *kalla* really feels. Therefore, some rabbis might wisely say that the point of the departure is that the *chatan* should not be expected to go to *shul*. However, if based on the personalities and circumstances, it is deemed desirable, there is insufficient reason to preclude his going to *shul*.



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Ein Ayah

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

Not Ready to Lead

(condensed from Ein Ayah, Shabbat 3:2)

Gemara: Rav Yehuda said: Whoever moves from Bavel to *Eretz Yisrael*, violates a positive commandment, as it says: "They will go to Bavel and will remain there" (Yirmiyahu 27:22)

Ein Ayah: The goal of connecting Bnei Yisrael and *Eretz Yisrael* is that there should be one nation in the world upon whom Hashem, the G-d of the world, hovers, by His hand being revealed in them, their history, and the chain of their progeny. This nation should be the single source for humanity to draw knowledge of Hashem and His ways in the land. They must demonstrate the lesson that godliness can fill an entire nation so that divine ways will lead not just an individual's private life. Rather, they must lead the affairs of nations and their interrelationships based on the deep ways of Hashem, which are full of kindness, justice, and charity. To meet this goal, it is crucial that the general divine "seal" be attached to the whole nation, which will impress upon it that it stands out among the nations in that it is the Nation of Hashem and that its land is the Land of Hashem.

However, things changed when Israel left its Protector. Although there remained individuals who fulfilled many of the *mitzvot*, the nation as a whole lost its seal. In that way, one could no longer recognize the Land as the Land of Hashem and the nation and kingdom as the Nation of Hashem, at a time when the people found for themselves personal interests like those of all the other nations, such as matters of power.

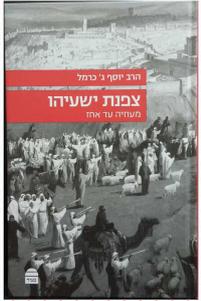
For that reason, Israel was exiled from its Land, so that they could wander in exile among many nations. While lacking any of its own national property, they will still find themselves as standing out and being separate from the nations. Then, they will know that they have something unique which gives them a special national identity, namely, that the Name of Hashem is called upon them.

Therefore, when Bnei Yisrael's spirit improved in Bavel and their Jewish center was based solely on the sanctity of the Torah, this caused a flowering of Hashem's interest in saving the nation and a return to their deepest recognition of their uniqueness. Only when this would progress sufficiently, would they be able to return to their base and to their Land and the full strength of national acquisitions. But this time is in essence the time for Hashem to redeem them in the fullest manner and gather the scattered nation from among the nations and return a descendant of David to the crown.

Regarding the individual who progressed to be fit to live with the sanctity of *Eretz Yisrael*, it is not for the individual that the exile was established but for the nation as a whole. Therefore, the power of the experience of exile should not be blurred by individuals who could cause the forgetting of the purpose of being in the Land, namely, as a nation with dominion in the Land which Hashem chose for their eternal portion.

The vessels of the *Beit Hamikdash* (which is the literal context of the *pasuk* about remaining in Bavel) have a purpose only when the *Beit Hamidash* is standing and operating. So too, individuals can contribute to show the spiritual strength of Israel in their Holy Land only when Hashem decides the time has come to bring them all together.

This is why Rav Yehuda opposed leaving Bavel, which had become the spiritual center of Judaism, which was appropriate for the nation at their level at that time, calling it the abrogation of a positive *mitzva*. He should wait there and wait for the nation to complete development until the point that they would be ready to make the proper impact in *Eretz Yisrael* together with all the national acquisitions that are needed for a well established nation.



**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 Chizkiyahu.

"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 Israelitzi, 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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P'ninat Mishpat

Yitro

Too Late to Renew Rental? – part I

(based on ruling 72079 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The plaintiff (=pl) rented out his apartment to the defendant (=def), a mother with three older children for a year, ending on Aug. 3, 2012. Def could renew the rental for a second year if she informed pl by May 5, 2012. Not until pl requested at the end of May that she vacate at year's end, did def write such a request. Earlier in May, def and pl met in the apartment. Def claims that at that time they orally agreed to renew; pl denies this. Pl also claims the right to end the rental because def's children's behavior upset all the neighbors and def refused to pay July's rent up to and including the *beit din* hearing (early August). Def claimed she had trouble finding rent money because of legal expenses due to pl's suit. Pl's claims are: immediate vacation of the property (as most rentals are set by early Aug.); payment of July rent; \$3,000 penalty for breach of contract as specified in the contract. [Reuven, who accompanied def to *beit din*, suggested a compromise, that def would remain for an additional four months. Pl accepted it; def did not.]

Ruling: There are two possible tracks to justify pl ending def's rental before a full two years: lack of proper renewal; breach of contract.

Regarding renewal of the rental, the contract requires it to be done in writing. The usual logic is that claims of oral agreement are hard to disprove. Therefore, the burden of proof of agreement is on def. Significant circumstantial evidence also points in that direction. All agree that there was a meeting in May. Pl's characterization is that he waited until the time of renewal passed because he wanted to end the rental due to complaints. This fits with accounts and evidence presented. Def's claim of a pleasant meeting to confirm renewal is contradicted by her own complaint (elsewhere in her presentation) that the meeting was preceded by an SMS by pl to her with a threatening tone.

On the other hand, the reason for the demand for prior notification of renewal is not usually intended to catch the renter in neglecting to renew, but to give the landlord opportunity to plan. Therefore, there is tension between fulfillment of the contract's written word (which supports pl) and the apparent logic behind it.

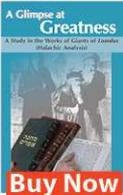
The matter of breach of contract contains a couple of parts. Pl presented letters from neighbors with complaints about def's children's behavior. However, he did not prove that the behavior reached the level that justifies abrogation of a rental contract. Def admitted to having withheld July rent, which is a serious breach of a rental agreement and is grounds for removal according to par. 12 of pl's and def's contract. The claim that she did not have money because of legal fees is difficult to accept. Def's only use of a lawyer was to write a single letter in response to the suit, and that costs a fraction of the rent due. Rather, as Reuven admitted, the withholding was an attempt to pressure pl to allow her to stay. That is not a legitimate step to take, and thus pl can compel def to end the rental.

[Next time, we will discuss practical remedies for this situation.]

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