



HaRav Shaul Israeli zt"l
Founder and President

HEMDAT YAMIM

Parashat HaShavua

Naso, 9 Sivan 5777

From Brit Bein Hab'tarim and Kriat Yam Suf to Yom Yerushalayim and Shavuot

Harav Yosef Carmel

In previous years we dealt with the *haftara* of Parashat Naso and the meaning of Shimshon marrying *Plishti* women. We explained that this action was a declaration of independence from *Plishti* domination. We proved from a number of phrases that the entire episode regarding these marriages was connected to leadership and governance. Around the time of Shavuot, let us remember that the story of Ruth also deals with the question of why we were subdued under the rule of the *Plishtim* for hundreds of years until the days of King David. David was the first leader to declare Jewish independence on a national level.

David was also the first to decide the question of where the spiritual center of the Jewish people would be – where was the “place that G-d shall choose”? Yerushalayim became and has been the capital city since the days of King David. Yerushalayim brings together both the national side, the political freedom from foreign powers that we saw was highlighted in *Brit Bein Hab'tarim* and the seventh day of Pesach, as well as the spiritual epicenter of the nation, connecting the law and the *Mikdash* that were intertwined on *Har Habayit*.

In light of this, let us focus on the following phenomenon. The *Sefer Yehoshua* focuses mainly on the fulfillment of the *mitzva* “You shall conquer the Land” (Bamidbar 33:53-54)

Yehoshua Bin Nun, it seems, did not focus on building governmental structures for coming generations. He drew his strength from his teacher, Moshe Rabbeinu. As a leader, he also dealt with strengthening the bond between the nation and Hashem as well as with the king. This is proven from the common version of the *brit* in those times: “Yehoyada made a covenant between Hashem and the king and the nation to be a nation for G-d, and between the king and the nation” (Melachim II, 11:17)

Yehoshua did not deal with the location of “the place that G-d shall choose” or the building of the *Mikdash*. *Sefer Shoftim* mainly deals with strengthening localized leadership. The Judges for the entire part of that era, according to the simple understanding of the *p'sukim*, were not judges but leaders. Only in the time of Shaul, the question arose of a unified state under one king who would pass the kingship onto his children. Even Shaul did not deal with the question of the *Mikdash* (other than on one night). In the days of David, the royal family was chosen for generations, an independent Jewish state was established, and a legal system was introduced to deal with criminal punishments. Only after this did the question of the *Mikdash* arise, and it was ultimately built after King David's death by his son Shlomo.

The order is clear. First we need to clarify the national and royal side, and only afterward can we deal with the building of the *Mikdash*, with a Torah-based legal system at its side, in the most ideal fashion.

Let us pray that just as we merited to see the beginning of the redemption on a national level with a state, and with a high Torah level (never before has there been so much Torah learning), so too should we merit to see progress in establishing a Torah-based legal system. This will sanctify Hashem's Name and ultimately bring the *Shechina* to dwell among us again.

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Those who fell in wars for our homeland. May Hashem avenge their blood!



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Ask the Rabbi

by Rav Daniel Mann

Respect for the Elderly

Question: Is one required to give special respect to an individual between 60 and 70 years old? I remember that one stands up only for those over 70.

Answer: While we should be respectful of people in general and certainly older people, the specific *mitzva* regarding older people is standing for them. The Torah commands: "Stand up before *seiva*, and honor the presence of a *zaken*" (Vayikra 19:32). The *gemara* (Kiddushin 32b) brings opinions as to who these recipients of respect are. The first opinion is that it is a Torah scholar. Isi ben Yehuda says that *seiva* refers to an elderly person, even if he is devoid of other special qualities. The *gemara* (ibid. 33a) says we accept Isi ben Yehuda's opinion, as does the Shulchan Aruch (Yoreh Deah 244:1).

Who is old enough to deserve rising in their presence? The Rambam (Talmud Torah 6:9) writes that this is one who is "extreme in oldness," without giving a specific age. The Rosh (Kiddushin 1:53) says it refers to a 70-year-old. Many point out that this is in line with the *mishna* in Avot (5:21) that lists characteristics of different ages and says that 70 is the age of *seiva*, the word the Torah uses for one deserving to be stood for. This is also the age that the Shulchan Aruch (ibid.) writes, so your recollection is well-founded.

Yet, there are also sources that refer to 60. The Birkei Yosef (YD 244:4) cites the Arizal that we should stand for people above 60, and the Birkei Yosef says that this is based on Kabbalistic reasons. However, others provide more standard sources for the significance of 60. Unkelus translates the above *pasuk* so that "*seiva*" refers to a Torah scholar and "*zaken*" refers to an older person. The Rashbetz (commentary on Avot ibid.) says that according to Unkelus, that "*zaken*" refers to the elderly, the age is 60, as the *mishna* says that 60 is the age of *zikna*. As we have seen, the Shulchan Aruch accepts the age of 70. This makes sense because we halachically prefer the *gemara* to Unkelus and because it is possible that Unkelus agrees that the word for an older person is indeed "*seiva*" (see Ramban, Vayikra 19:32).

Despite the preponderance of standard halachic sources that the age for deserving to be stood up for is 70, there are a few reasons why it might be worthwhile to do so from 60. There are early sources, such as Tikkunei Hazohar, who say that *seiva* is from 60, and the Gra says that they argue on the *mishna* in Avot (see Yabia Omer III, YD 13). In any case, it may be laudable to follow the Arizal, whatever his reason is (see ibid.; Divrei Shalom, YD 93), or just to be more careful than required. There is also an interesting compromise that includes some 60-year-olds. Some *Acharonim* understood the classical sources as saying that to deserve honor just based on age, one must be 70, and to deserve it just based on scholarship, one needs to be a notable *talmid chacham*. However, a minor *talmid chacham* who is 60 deserves honor (see Tzemach Yehuda VI:35).

These *halachot* are difficult to implement in a society where it is not standard, even for observant Jews, to stand out of honor for older people (*poskim* have bemoaned this for centuries). One justification is that one may waive his honor, and perhaps we can assume that many do so, which may be correct, given the situation (see Radbaz VIII:167). It is also hard to know when it is appropriate. One does not always know if someone is 70 (Yabia Omer ibid. – in a case of *safek* on this Torah law, from age 70, one should be stringent) or even 60. Many 70 year-olds these days are in excellent shape and resent being treated as old. (One can even claim that 70 years old no longer meets the Rambam's description of extreme age, but I did not find this claim in *poskim*). Certainly we do not want to insult someone whom we are trying to honor. If one really wants to do this *mitzva* well, we suggest developing a style of standing up and approaching older people (or, for that matter, anyone) to greet them in a natural manner that does not scream, "I am rising in your honor because you are elderly and it is a *mitzva*."



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**

Ein Ayah

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

Balancing the Heart of Judaism and the Detailed Actions

(condensed from Ein Ayah, Shabbat 5:10)

Gemara: The cow of Rabbi Eliezer would go out (on Shabbat) with a rope between her horns, against the will of the Sages.

Ein Ayah: A living organism with a backbone and heart at the center of its life-force energizes and gives life to all the limbs and extremities of the body, up to and including the growth of hair and nails. Indeed, the entire body together creates a full and complete life. When the extremities disconnect from the source of the life-force, they shrivel up and die. This is not the case of very lowly organisms with no central life-force. Each part of the organism exists independently of the rest.

We find a parallel in the world of spirituality and ethics. The living Torah is the loftiest part of life itself and is the essence and core of the life-force for everything else. It unifies and pours vitality into all the details and minutiae of life, in accordance with the strength of the centrality of the life-force. Just as a stronger blood flow increases the vitality and life of the extremities of the body, so too a healthy spiritual core invigorates all aspects of life and its details.

However, we find two opposing concepts. The lofty center unifies and vitalizes the individual actions in as much as they relate to the core. On the other hand, there is a need for guarding and giving the correct balance and weight to the individual actions. For life is not found within the individual actions, but rather within the strength of the lofty core.

We need to beware of making the individual actions, in and of themselves, the center of life. On the other hand there is an even bigger danger if we focus on the core of life and think that the individual actions are irrelevant and can be done away with.

Therefore it may happen that a mistake can be made specifically from a great soul who might overlook a detail. This can happen by his focusing on the core life and idea with a deep understanding that the details are only meant to have significance within the whole that is deep within them. And it happens that specifically such a great person, who resonates with the essence of life and its core, might be mistaken and improperly trivialize a certain action. Although this is a mistake, as the completeness of life is dependent on the core bringing vitality to specific actions and details, nevertheless it is a mistake that can be corrected. It will force him to strengthen and clarify the connection between the life-force and the detail, redefining the correct proportions of importance and measurements.

On a certain level, we prefer to have such great souls who are totally enveloped with the core ideas of life even though it is almost unavoidable that such great people might make mistakes at certain times. It is for this reason that the Sages did not vehemently oppose Rabbi Eliezer but rather showed that it was "against their will."

We daven for a complete and speedy refuah for
Yehoshafat Yechezkel ben Milka
Ro'i Moshe Elchanan ben Gina Devra and
 Together with all cholei yisrael



**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.

Buy Now

P'ninat Mishpat

Calculating Late Penalty According to Contract or Law – part III

(based on ruling 75030 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The plaintiff (=pl) bought property from a building company (=def), which was supposed to complete construction by 20.06.2014. After negotiations, the contract included a penalty of 2,800 shekels a month against def for lateness, starting from two months after the target date. Pl received the apartment more than 18 months late. According to a new law, a buyer is compensated for more than 60 days of lateness (retroactively from the beginning) according to the following schedule – 150% of the apartment's rental value for the first 8 months; 125% of the value after that. Buyers cannot waive their legal rights. Pl claims that the apartment's value is 4,200 shekels and claims 105,275 shekels. Def claims the payment should be drastically reduced on two general grounds. Since the contract included an arbitration agreement to *beit din*, Halacha, which recognizes the sides' agreement, rather than the law, should be binding. Therefore: 1. The monthly rate is 2,800. 2. Payments start only after two months. 3. The contract gives a two month extension for the buyer's requesting building changes, which pl did. Furthermore, the following delays, which were beyond def's control, push off the target date: 4. (Arab) workers could not come to the site during the fighting in the summer of 2014. 5. The water authority illegitimately delayed connecting the water supply, which delayed by months receipt of a *Tofes 4*, needed for legal occupancy. 6. The fire department improperly delayed approval for several weeks. 7. Pl refused to receive control of the apartment for 42 days after it was ready.

Ruling: We will deal now with analysis of two of the excuses for delay.

The water utility made an unproven claim against def that they damaged a piece of their infrastructure and refused to continue work until def would pay 75,000 shekels. Def denied any connection to the damage and presented a letter from the municipality supporting their stand and demanding the utility resume work. Although def eventually paid, no evidence disputes their claim that they gave in to blackmail, as the utility damaged them greatly with the delays. Therefore, def is awarded a six-month extension of the target date due to the utility delay.

All agree that pl received keys to the apartment on Jan. 4, 2016. Def sent *beit din* a copy of an email to pl on Nov. 19, 2015 that the apartment was ready. While pl complained of some flaws in the apartment, the contract (par. 9.7) states that the buyer must accept control of the apartment when fit for living even before all the flaws are fixed. During *beit din* hearings in July 2015, pl stated that all the serious flaws had been fixed and she was waiting for the *Tofes 4*. Pl claims that she did not receive the email notification but only a phone call on Dec. 12, 2015 and that when she did a final check on Dec. 20, an interior door was missing, there were objects in an auxiliary room outside the apartment she had rights to, and the inspector was not there. Out of the 42 days in dispute, *beit din* awards pl 17 days (based on compromise), primarily because the contract states that def must give 14 days notification before giving the key. In general, though, the sides' claims illustrate that pl was not in a hurry to receive the keys.

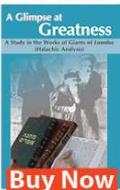
The last installment will deal with a halachic consideration about excused lateness.

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