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HEMDAT YAMIM

Parashat HaShavua

Beha'alotcha, 16 Sivan 5777

Do War and Happiness Go Together?

Harav Yosef Carmel

The Torah, in our *parasha*, discusses uses of the *chatzotrot* (trumpets) that Moshe made. After mentioning their use in war (Bamidbar 10:9), it says: "On the day of your joy, your special days, and your new months, you shall blow the trumpets over your offerings" (ibid. 10).

Is there a connection between wars and days of joy? Also, what is this day of happiness, if the *yamim tovim* are referred to with the next word? The Sifrei (Bamidbar 77) brings two opinions: Shabbat (during the time of the Shabbat offerings); the daily set offerings. The Ibn Ezra explains that the trumpet blasts that were done on Shabbat during the offerings made the people concentrate on their connection to Hashem.

The opinion that the *pasuk* is referring to Shabbat provides a source for the explanation of the special part of *chazarat hashatz* of *Shacharit* of Shabbat which begins, "Those who observe Shabbat shall rejoice in Your Kingdom." One of the *zemirot* of Shabbat that the Ibn Ezra wrote (*Ki Eshmera Shabbat*), states: "For it is a day of joy," consistent with his explanation here.

The two opinions in the *midrash* may disagree as to whether a holy day can also be considered a day of joy. This may depend if *kedusha*, which often refers to refraining from pleasures, can be consistent with joy. We do find: "Go and eat in joy your bread and drink with a good heart your wine, for Hashem has already accepted your actions" (Kohelet 9:7). (The idea of eating bread in joy had deep significance, but it is beyond our scope.)

There are halachic implications of Shabbat being a day of joy. The Manhig says that we refrain from Tachanun at Mincha before Shabbat because Shabbat is a day of *simcha*. The Maharil says that if Shabbat is defined as a day of *simcha*, one should not fast due to a frightening dream on Shabbat (see also Tzitz Eliezer VII:25). The Ibn Ezra adds: "... Therefore to fast based on the wise men is forbidden except for the day of the atonement of my sin."

Ibn Ezra cites another explanation that is strongly anchored in the *p'sukim*, which is very significant in our generation of the nation's reawakening. He suggests that the two *p'sukim* regarding the trumpets are connected in the following way. After going to war, including the blowing of the trumpets, when we are victorious we are to celebrate our day of joy for our success in the manner of Purim. During the course of more than 2,000 years, such a scenario did not occur. However, in our times, after military victories in which we were saved, this serves as one more source for the need to celebrate, as we do on Yom Haatzmaut and Yom Yerushalayim. There is an additional hint for such a direction from the Rokeach, who points out that there are twenty words in the second *pasuk*, like the number of words in the *beracha* of *Shemoneh Esrei* about the great *shofar* announcing the ingathering of the exiles.

Let us pray that increasing parts of our nation will recognize that it is both an obligation and a wonderful opportunity to thank Hashem for the goodness He has bestowed us with, individually and nationally. Through this, we should merit to see and rejoice in further steps of our liberation.

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



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***Berachot* on Snacks and Drinks Throughout a House**

While indoors without exertion, one is likely to eat and/or drink less frequently, but on the other hand, he will probably not get as hungry/thirsty as quickly, which “extends the life” of the *beracha rishona* and allows one to wait for the *beracha acharona*. Assuming people will not eat or drink very often, the standard practice should be to make a set of *berachot* for each “unit” of eating and drinking. Despite this, one should train himself to expect to move around before finishing each food session and not make additional *berachot* necessary. Regarding cups of tea, coffee, or water, it is halachically preferable to drink a *revii't* at one point so that he can make a *beracha acharona* at the end of a cup and thereby also solve any *beracha rishona* questions as well. If that does not suit his needs, it is usually best (except for “chain drinkers”) to have in mind that the *beracha* is effective for just one cup and then (plan to) not take another cup until at least a couple dozen of minutes pass, so that a new *beracha* is appropriate then.



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Ein Ayah

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

Numbers That Count

(condensed from Ein Ayah, Shabbat 5:11)

Gemara: [In the previous story, involving R. Elazar ben Azarya's cow, the implication is that he owned only one cow.] Didn't Rav say that R. Elazar ben Azarya's tithed from his flocks 12,000 calves every year?

Ein Ayah: The benefit of historical accounts in *Chazal*, especially those that depict the life of a great person, needs to always fit with the divine intention regarding the depicted event. Therefore, the words chosen must create a picture that will provide generations of readers of the stories the same impression that the event had on those who saw the events.

"The crown of the wise is their wealth" (Mishlei 14:24). R. Elazar ben Azarya's wealth increased the honor of Torah, which had a positive impact for the benefit of the nation as a whole. Therefore, any numbers used in a story that involves him have to preserve the impression left by the account and its intended lesson even after many generations have passed.

One can make the way of expressing numbers correspond to elements of life in the following way. There are four levels of success in accumulating resources in a person's life: lacking, sufficiency, comfortableness, and riches that are sufficient to impact others around him. The digits of numbers can correspond to these levels. The singles' digit represents lacking. The tens' represents sufficiency. The hundreds' correspond to comfortableness, and the thousands' to riches that extend to others.

It is the fourth digit, of thousands, that is related to the concept of spreading out to the four directions, which is the full implication of extension. It also takes into account the three sections of a linear distance, the beginning, the middle, and the end. When one needs to represent a strong measure of large quantity, which is what riches are about, this situation is well captured by the number 12,000 [ed. note – perhaps the intention is that in addition to having thousands, it also has a 0,1, and 2.]

We must realize that R. Elazar ben Azarya's riches were all connected to sanctity. The fact that he saw the fruit of his financial efforts on a regular basis helped raise the mantle of the Torah of truth. This caused the very status of being rich to be sanctified for the service of Hashem. This concept is related to that of *ma'aser beheima* (the tithe of the animals born during the year, which were brought to Yerushalayim to have part offered on the altar and part eaten there in sanctity). In *ma'aser beheima*, the owner of the animals acts like a *kohen* [in that he eats from the meat of the *korban*, and it is unlike tithes on produce, which primarily go to *kohanim* and *levi'im*]. The logic is that in terms of livestock, there is not such a need to have a separate group within the nation that needs to insure the spirituality. The separate group of *kohanim* is crucial for the one who works the land.

Thus, mentioning how many animals R. Elazar ben Azarya had on an ongoing yearly basis, representing his consistent riches, should be expressed for generations in a manner from which all can be impressed. The story should not be told in a way that minimizes this fact unless there is a special lesson to be learned from the depiction of R. Elazar ben Azarya as having only one cow.

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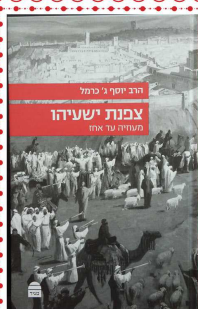
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Tzofnat Yeshayahu- Rabbi Yosef Carmel

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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P'ninat Mishpat

Calculating Late Penalty According to Contract or Law – part IV

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

Case: The plaintiff (=p) 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 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: *Pl* contended that *def* should not be exempted for the delay due to the water utility because construction of the apartment was unrelatedly delayed. *Def* cannot blame the delay on the water if they would have been equally late because of the apartment. *Def* argues that this point does not make a legal difference and that, practically, when one knows of a major delay, he prioritizes other jobs. Neither the law nor the contract relate to such a case.

The Shulchan Aruch (Choshen Mishpat 303:10) rules that if a shepherd left the flock and then a predator whom he could not fight off killed one of the animals, the shepherd is exempt. The Rama (ad loc.) says that if his absence was unauthorized, he must pay because he "started with negligence" and there is a slight chance that his leaving made the difference. If the same damage would have definitely occurred even without the negligence, the Rama agrees to exempt the watchman (Maharashdam CM 430). Therefore, *def* is exempt from delay on the apartment while the utility anyway prevented occupancy.

Might our case be different because the obligation is based on the sides' agreement? *Acharonim* disagree about one who gave a *get* on condition he does not return by a certain time and his return was prevented by *oness*, but he would not have returned anyway (see Halacha Psuka, CM 21:(33)). A majority of *dayanim* reasoned that this does not apply to our case because conditions have to do with the intent of the parties, whereas damage payments depend on objective causes and if the damage would have happened even without the negligence, he is exempt. According to one *dayan*, since the natural situation is to compensate the buyer for the delay and *oness* is an exception, it must be a true exception, where *def* has no element of responsibility, which is not the case where negligence accompanied the *oness*.

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