



HaRav Shaul Israeli zt"l
Founder and President

HEMDAT YAMIM

Parashat HaShavua

Matot Masei, 28 Tamuz 5777

They Would Grab for Themselves

Harav Shaul Yisraeli – based on Siach Shaul, p. 459-462 (during the tumultuous 1938)

The *midrash* (Bamidbar Rabba 22:7) notes that there are three valuable presents – wisdom, strength, and wealth – that can be a part of a person's downfall. The examples, one Jewish and one non-Jewish, were: for wisdom, Achitofel and Bilam; for strength, Shimon and Goliath; and for wealth, Korach and Haman. The *midrash* continues that the tribes of Gad and Reuven were blessed with great flocks but because they loved their money so much that they settled outside *Eretz Yisrael*, away from their brethren, they were the first to be exiled.

It is not enough to receive a present, whether it be wisdom, strength, or riches; one needs to use it properly, starting with understanding its divine origin and purpose. One who grabs it for himself and not to be used for good, causes tragedy.

We are now in a time when *Eretz Yisrael* is flowing with blood ("The Arab Revolt") and the Diaspora is in flames, and no one knows to where to escape. Have we no guilt? What can those, who had the money to purchase land in *Eretz Yisrael* and now their money is frozen or lost, say for themselves?

The Sultan needed money, and Herzl tried to harness Jewish wealth and arrange the establishment of a Jewish state. He didn't realize that the Jewish wealthy would grab their money for themselves and not see the "return on their investment" in building *Eretz Yisrael*. After the Balfour Declaration, if all those who could have helped would have, we would not possess the present 5% of Mandatory land but 50%. Instead of having 300,000 Jewish residents, we could have 1.3 million. Then we would not have to read daily about young lives being taken and women's dreams for their children being shattered. The Land could be blossoming like Eden, and we could be helping world Jewry spiritually and financially. World Jewry would know they have a nation and Land, and the haughty nations would have to reckon with us. But people thought their money was safer in their native lands and unfortunately they have lost all – starting with money, and with people lacking a place of refuge. We are like the tribes of Gad and Reuven who preferred their money to *Eretz Yisrael*.

Maybe someone thinks that this is a fault of the Jews of the Diaspora and not of Jews of *Eretz Yisrael*. But they are wrong! Living here does not exempt us from other obligations! We think that only Jews of the Diaspora have to donate. There are so many Jewish institutions of charity and *chesed* abroad ... and so few here. It is not just money. We need to be sensitive to our neighbors, lend a helping hand, and provide advice and empathy. If a person's farmland is for him alone, that is also grabbing for himself. We too have baseless hatred, which causes destruction. That hatred comes from wanting everything for oneself.

Another thing that causes destruction is not blessing over the Torah (Bava Metzia 85b). We think we are "too busy to learn Torah." Even if we were correct in regard to weekdays, why can't we find an hour or two on Shabbat to acquire knowledge to lead our lives? Even for people like us, the Torah is not at the forefront of our lives as it should be. These are the lessons. Even though it is a little late, it is better now than not at all. During the Three Weeks, let us start to fix things and merit a speedy liberation!

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Mina Presser bat Harav David and Bina on the occasion of her yahrzeit, 24 Tammuz
and members of her family who perished in the shoah Al Kiddush Hashem

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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

Whose *Minhag* About Being *Chazan* Should an *Avel* Follow?

Question: I was in an (Ashkenazi) *shul* on Rosh Chodesh morning, when a visitor who is an *avel* asked if he could be *chazan* for *Shacharit* or whether there were other *avelim*. The *gabbai* said that there were no other *avelim* but that normally *avelim* are not *chazanim* on Rosh Chodesh. The *avel* said that he received a *psak* to serve as *chazan*, which he proceeded to do until Hallel. Was that the right course of action?

Answer: We have to deal not only with the question of whether an *avel* should be *chazan* on Rosh Chodesh, but with whose call it is – the *shul's* or the *avel's*.

The Maharil (Shut 22) is the primary source about limiting when an *avel* can be *chazan*. He says that an *avel* should not be *chazan* on Shabbat, Yom Tov, and for Hallel because of the *simcha* associated with those *tefillot*. The Rama (Yoreh Deah 376:4) cites this idea only in regard to Shabbat and Yom Tov, writing that the practice is for them not to be *chazan* although it is not forbidden, but Ashkenazi *Acharonim* accept it for Hallel as well. There is quite an even set of opinions and varied practices regarding the rest of *Shacharit* as well as Mincha and Maariv on days when there is Hallel (Rosh Chodesh, Chanuka) and Purim (see a survey in Divrei Sofrim, YD 376:94). Therefore, both practices are legitimate, and that is not our main interest.

The *minhag* is related to a discrepancy between the festivity of the *tefilla* and the *avel's* sadness (or an aura of strict judgment – see Taz, OC 660:2). But who are we trying to “protect”? If we are protecting the congregation from an *avel* who is not capable enough to elevate them to the proper mood, then it is clearly the *shul's* call, and ostensibly the *avel* (unintentionally) acted improperly. If it is that it is wrong for the *avel* to thrust himself into the midst of excitement that is incongruous with his *avelut*, the matter likely depends on his rabbi's ruling.

Sources that connect the matter to the suitability of the *avel* to act as a *shaliach* (agent) of the *tzibbur* include the Taz (ibid.) and Zera Emet (III:164). My reading of the Maharil itself and of the Maharam Shick (OC 183) indicates that it is a matter of inappropriateness for the *avel's* mourning obligations. (I am not convinced my reading is correct; it is not feasible to share the nuances in this forum.) It is possible to distinguish between specific cases. Perhaps regarding Shabbat and Yom Tov and Hallel, the community demands festivity the *avel* lacks. Perhaps, though, the rest of *Shacharit* has no special requirements for the *chazan*, just that involvement in the public service of such a happy day is improper for him. Therefore, we leave the fundamental unconcluded.

Some of those against an *avel* being *chazan* for any part of *Shacharit*, including the Gra (see Chayei Adam II, 138:4) and the Chatam Sofer (see Maharim Shick ibid.), “protested” against those who wanted to be *chazan*. Why protest what someone else wants to do if there are respected opinions to permit it? One explanation is that they indeed held that it affected the community, whom they represented, more than the *avel*. Another is that even regarding matters that affect the individual, it is innately wrong to contradict a local *minhag* (see Shulchan Aruch, OC 468:4). A third possibility, which I find difficult, is that these *poskim* were so convinced that the other practice was wrong, that they felt a need to save the mistaken person.

Our practical advice is as follows. An *avel* should ask the rabbi or *gabbai* if they/the community minds, as publicly conforming is important generally but especially about things having to do with their *chazan* (see Rama, OC 53:22). If not, there should not be a problem for him to do the part of *davening* of Rosh Chodesh that he wants. However, if the *shul's minhag* is a strongly held one, then whether it is the community's specific prerogative or a matter of the general rule of not differing publicly from those around him, he should not have been *chazan*.



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Ein Ayah

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

Good and Evil Depend on the Actions

(condensed from Ein Ayah, Shabbat 5:20)

Gemara: The *pasuk* says: “Hashem said to me: Pass through the city, through Yerushalayim, and etch a sign on the foreheads of the weary and distressed people, due to all of the abominations that are done in its midst” (Yechezkel 9:4). Hashem said to (the angel Gavriel): Go and mark on the foreheads of the righteous a sign made out of black ink, so that the damaging angels will not have power over them, and on the foreheads of the evil a mark of blood so that the damaging angels will have power over them.

Ein Ayah: To divine knowledge, which looks deeply into the depths of all matters in the world, there is a lot in common between darkness and light. There are many positive outcomes from evil people just as there are from righteous people, just that the good comes from the evil through the harsh things that come to the wicked and to the world because of them. Also, in the concealed parts of every person’s heart there is a desire for goodness, justice, morality, and sanctity, even in the heart of a “completely evil person.” It is just that the obstacles in life make a person trip into the trap of evil.

Therefore, if we were to delve into the depths of the truth of justice, as seen from the complete understanding of the Master of Wisdom, which delves into the depths of a person’s psyche, the signs of the righteous person and the evil person would disappear. Justice as we know it would not exist in the world, [as the true reality is different from the way we perceive it]. When we look at the full picture of how we view justice, with our view of righteousness and evil, it depends on the way things are projected in our world, not as they are in their hidden depths. It is up to the individual person who uses his free choice, after all the factors that influence him, to bring to fruition his characteristic of righteousness or his characteristic of evil.

Therefore, justice is developed according to that which is done in practice. Even though if we could view things in the depths of people’s hearts we would find things more complicated, divine knowledge is much more complete than our internal view of matters. Actually, the divine perception is more similar to what we see openly – not the superficiality of that which is open but its greatest depths.

This is the recognition that comes from the secret lofty justice of Hashem, which values the significance of the action and that which is actualized in the world. This makes it appropriate to put external signs to distinguish between a righteous person and an evil person. It is not the forehead itself that makes the difference between the two but the writing that is an expression of the practical and powerful divine justice in the land. This is carried out by the angel Gavriel. He was to put an outward sign of black ink on the foreheads of the righteous. If there is not full justice, at least there is not wickedness. This is the symbolism of ink, which is ready to be used for writing and does not come from a source of evil.

Evil will be exposed by its negative sign, made from blood. This shows that the value of justice is not according to the depth that a person perceives because he does not have the mind to see it through, but rather based on practical actions that are open and practical. The way actions are carried out is the boundary between righteousness and evil. This is hinted to in the *pasuk*: “Say to the righteous that it is good, that he shall eat from the fruits of his actions. Woe unto a bad wicked person, for he will have done to him as the working of his hand makes him deserve” (Yeshaya 3:10-11).



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

Unfulfilled Raffle Prize – part I

(based on ruling 76024 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The plaintiff (=pl) spent 2,050 shekels on raffle tickets sold by an institution (=def); the first prize was a furnished four-room apartment. The drawing was held in Feb. 2012, and pl won the first prize and was supposed to receive the apartment within six months. However, the apartment was part of a property owned jointly by def and Reuven. They needed to have a redrawing of the property approved and then build an extra room. Due to a dispute between def and Reuven regarding stairs leading to the apartment, municipal permission def received was not usable, and as of 2015, the apartment is still not completed or transferred to pl's name. Pl demands that def should transfer ownership to him and either build another room and provide furniture or pay their costs. Def responds that they are bound only to the raffle's *takanon* (regulations), written before the drawing. Accordingly, if they are unable to complete building the apartment, they need to pay the raffle winner the amount of money they spent on the apartment or perhaps sell their portion of the property and give pl the proceeds after subtracting expenses.

Ruling: Although there are both legal and halachic discussions on the matter, both sides agree that the conditions of the raffle are binding. This is correct halachically because raffles, despite their similarities to gambling, are an accepted fundraising tool, which work only if they are treated with integrity. Paying for a ticket is considered like a *kinyan* on the promised prizes.

The first question to be decided is whether the *takanon* is binding on pl, who never saw it before paying for his ticket, like everyone else who bought tickets. Def provided *beit din* with several advertisements of the raffle, which state that its conditions are according to its *takanon*. Even if some advertisements did not mention a *takanon*, pl failed to prove that his agreement with def was unconditional.

This being said, we must criticize def, otherwise a respected institution, for writing that the winner gets a furnished four-room apartment at a time when the property was jointly owned with a third party and did not have any working steps leading to it. Actually, at the time the *takanon* was written, def had not even signed a contract with the property seller.

It is possible to decide that the misrepresentation was serious enough to allow for *mekach ta'ut* (nullification of the sale). While this might help those who bought tickets and did not win, it is of no help to pl who wants an apartment worth around 2.5 million shekel and not the return of the 2,050 shekels he spent on tickets. Since the *takanon* was decided upon by def's board, its existence was publicly known and it is accepted practice to have one, we rule that def is not obligated to a further extent than the *takanon* indicates.

We continue next time with other elements of the dispute

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