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HEMDAT YAMIM

Parashat HaShavua

Eikev, 20 Av 5777

A Life With Fear of Heaven

Harav Shaul Yisraeli – based on Siach Shaul, p. 493-4 (an address from 1948)

"Now Israel, what does Hashem, your G-d, ask of you: just to fear Hashem ..." (Devarim 10:12). *Chazal* famously asked about the strange language of "just" considering that proper fear of Heaven is not so simple to attain (Berachot 33b). The *gemara* answers that for Moshe it was a simple thing, to which many ask that it does not seem relevant, as the commandment was said to all of Israel.

The *gemara* also teaches us that "all is in the hands of Hashem except for *yirat shamayim*" (fear of Heaven). According to this, how can we pray (in Birkat Hachodesh): "Give us life that has within it fear of Heaven and fear of sin"? If it is up to us and not Him, how can we ask Hashem for the "gift" of *yirat shamayim*?

Within Moshe's summary of the fundamentals of Judaism, fear and love of Hashem, he reviews the events that transpired for the nation. In this context, he commanded the people to remember and forbids them to forget. Furthermore, before conquering the Land, they are commanded not to question their ability to do so (Devarim 7:17) and, after successful conquest, not to congratulate themselves for the success (ibid. 8:17). The antidote to both is to remember what Hashem has done in Jewish history. Forgetting is dangerous; one who remembers believes. He is not afraid of the future and does not believe that he is responsible for his own successes.

It is important to remember past history at a time that Hashem "hides His face." One should remember the hard times and realize that Hashem does not remove His providence, and when there is a need for a miracle, He provides it.

Based on the above, it was not difficult in the miraculous times of Moshe to have fear of Hashem. Just a little bit of remembering should have been enough to give one trust in Hashem and fear of Him. At times when the people do not experience such miracles as existed in Moshe's time, it is no simple matter to pronounce, "All of this came to us and we did not forget You, and we did not betray Your covenant" (Tehillim 44:18).

Asking for "life that has in it *yirat shamayim*" is a request for a life in which Divine Providence is clear, so that it will be easier to have *yirat shamayim*. It is a request that we will not be tested with situations in which the wicked have the upper hand and it is so difficult to find an explanation that fits with a proper outlook. That is an example of life that does not [lend itself to] *yirat shamayim*.

This year (5708=1947/8) we experienced what *Chazal* call "*meireishit hashana*" – a year that is poor in its beginning and rich in its end (Rosh Hashana 16b). In the beginning of the year, we were like poor people asking, "How can we succeed?" Due to a wonderful miracle, we can declare that Hashem gave us "life that has in it *yirat shamayim*." We just have to remember the miracles and thus "you shall remember that Hashem is the One who gave you strength to make attainments" (Devarim 8:18). Then it will be easier to have *yirat shamayim*.

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Ask the Rabbi

by Rav Daniel Mann

Netilat Yadayim from a Chipped Cup

Question: I have a cup for *netilat yadayim* that has a few small chips on the top of the cup. Is it kosher for that purpose?

Answer: The *gemara* (Chulin 107a) provides some of the rules for the *kli* (utensil) used for *netilat yadayim*, including that it must be able to hold a *reviit* of water. Potentially pertinent for your question, it says that it is unfit for use if it has a hole of a *kone's mashkeh* (i.e., not only is the hole big enough for water to seep out through it, but water would even seep into the cup through the hole from an external pool of water.)

There is a *machloket Rishonim* as to the reason for the disqualification (see Beit Yosef, Orach Chayim 159). According to the Semag, a cup with a hole of that size is not considered a *kli* (utensil) in regards to various halachic matters including *netilat yadayim*. According to the Rosh, the cup is generally a *kli*, but the area above the hole is considered beyond the confines of the *kli* (as it does not reliably hold water above that point). The issue is that the water must be poured onto the hands from the walls of the *kli*. One practical difference between the opinions is whether one can pour water onto the hands from the hole, not from the top of the cup. According to the Rosh, that is fine because you are pouring from the top of the *kli*-part of the cup (the cup should be able to hold a *reviit* up to the height of the hole). According to the Semag, the cup is totally lacking in status due to the hole, and it does not matter how high the hole is or from where the water is being poured. The Shulchan Aruch (OC 159:2) rules like the lenient Rosh that one can do *netila* through the hole. On the other hand, many *Acharonim* are *machmir* if the cup is made from pottery/ceramics (Mishna Berura 159:10). (We imagine your cup is ceramic, as metal and plastic ones rarely “chip.”)

Your case has elements of relative leniency and of relative stringency if the chips are big enough to be considered a hole. On the one hand, if there are only small chips on the top of the cup, it is hard to believe that this would disqualify the cup from being a *kli*, as it does not impede the use of the cup to hold liquid in any serious way. On the other hand, as opposed to the case of a hole in the middle of a cup, where the water will only go through the hole, from where will you pour the water? If you do it randomly or purposely from the not chipped places, then you are pouring from a place that extends beyond the height of a complete circumference of cup, which, based on what we have seen should be a problem. The Mishna Berura (159:12) says that while it is not ideal to use a cup with a piece missing on top, if that is the only available cup, one should pour out from the chipped part, which is lower. Practically speaking, though, unless it is a broad or deep chip, it will be hard to pour only or even mainly through the crack.

Perhaps the following will help. The Eshel Avraham (to Magen Avraham 159:4) says that if the height of the cup is not uniform but that fact is not clearly recognizable to the eye, it is not a problem to pour from the higher side. His main logic is that “the Torah was not given to angels,” who can be exact. He also points out that, anyway, the surfaces upon which a cup normally sits are not exactly straight, so that slightly higher and lower is meaningless. Piskei Teshuvot (159:10) says that the same thing is true for slight height differences due to a chip. It is not clear to me how far one can take this comparison. If there is a slight dent in a plastic or metal cup, it is indeed hard to tell the height difference. Regarding ceramics, though, it is much more common for even small chips to make the area of the chip noticeably lower than the area right around it.

Therefore, in general, the best thing to do is to insert a filler material to more or less reverse the chipping. Although some sources discuss using filler of the same material (see Taz, OC 159:1), anything that works securely should be fine (see practical approach of Chazon Ish, OC 21:5).



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Ein Ayah

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

The Stoppage of *Zchut Avot*

(condensed from Ein Ayah, Shabbat 5:35)

Gemara: From when did *zchut avot* (the merit due to the patriarchs) cease? [*The gemara cites four opinions among Amoraim, regarding four periods in the First Temple period (the times of Hoshea ben Be'eri, of Chazael, of Eliyahu, and of Chizkiyahu). Each has a pasuk implying that the zchut avot was only up to that point and not beyond. Rav Kook understands the gemara in a manner apparently different from the simple reading of the source, but one that solves problems arising from the gemara.*]

Ein Ayah: The elevated portion of the patriarchs' souls penetrates into Israel's divinely-given strength until the last generation. This element of their souls gives the whole nation its merit to still exist and enables them to merit their status. Upon these unique characteristics and strengths the nation needs to build itself as a great nation, making it fit to have the name of Hashem called upon it. Included in this is everything the nation needs, in regard to both its material and its spiritual survival as an important nation among the other nations and a unique nation that stands as Hashem's nation and a holy people.

The aptitude for sanctity is passed down from the patriarchs from generation to generation forever. This gives life and strength to every individual in Israel and eternal hope for the nation. That is why we [still, after all the time periods of the apparent cessation of the *zchut avot*] say in *tefilla*, "and He remembers the goodness of the patriarchs and brings redemption to their descendants." What did change and can change is that the sins of the whole and the individual can cause the great light to disappear for periods of time so that it is not revealed in the life of the nation. This causes the nation to fall until a later time at which anguish atones for sins and the divine light shines again due to repentance and good deeds. The power of the divine name's sanctity, which is connected to the nation as a whole, then resurrects the hidden sanctity passed down from the forefathers, to the full degree that a great, living, and holy nation requires.

Z'chut avot brings a broad moral power, which encompasses all of the best attributes, which cause the nation to operate based on kindness, justice, and charity. Since the nation lives based on a broad moral foundation, it is able to build in unity a proper social structure. There is a strong mixture of a general spirit and a practical social order, which, as a unit, are uniquely able to foster the sanctity of the individual Jew. This is because it is possible for them to draw strength from the source of divine sanctity that exceeds the level of human morality and social justice, which are subjectively tied to the values of the time. In contrast, when the nation draws from a divine source, they are greatly elevated, as we see is true of Israel even when they exist alone, not including any impact on the world around them. Actually, when the sanctity abounds, its bright light extends beyond the nation, as the House of David is capable of doing, as the *pasuk* says about *Mashiach*, "He shall adjudicate between nations and shall rebuke many nations." These elements depend on *z'chut avot*, and their influence is continued by the power of the patriarchs.

However, sin causes interruption of *zchut avot*, until it is resumed at the correct time. The *gemara* tells us of four interruptions, for different moral failings. The first general fall in the moral level took place at the time of Hoshea. Failings in the social order took place at the time of Chazael, King of Aram. The internal failures of individuals took place at the time of Eliyahu, making it necessary to break from the normal *halachot* of *korbanot* at Mt. Carmel. There was a continuation of the positive state in Judea; however, that too weakened at the time of Chizkiyahu.



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 IV

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

Case: The plaintiff (=p) 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 p 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 p's name. P demands that def 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. The sides also disagree on who should pay the significant capital gains payment (119,860 shekels) on the apartment for permission to expand it. P also demands compensation for the rent that they did not receive during the three years that def withheld rights to the apartment.

Ruling: The *takanon* says that the raffle winner will have to pay various taxes but that def has to pay for expenses related to the apartment's change of *taba* (municipal plans). Each side has a reasonable claim on the matter, as capital gains is a tax, but is one that is levied due to the changes in *taba*, as the government charges for permission to have a bigger apartment. When the language of the contract is unclear, we say that the one who needs the contract in order to obtain something has the lower hand. Since we have already decided that p receives the property, this tax is naturally for him to pay.

Regarding rent loss, p does not have a valid claim for a few reasons. [In a previous segment] we explained that we understand the line in the *takanon* that the winner does not get the apartment until it is complete as relating to an issue like this. In other words, ownership is not transferred to p right away, and therefore he does not have claims on lost rent. In general, there is a *machloket* whether one who prevents the owner of a home from renting it out has to pay for lost revenue. Tosafot (Bava Kama 20a) says that this is *gerama* (indirect damage), and there is no payment. The Rambam (Chovel 7:7) implies that there is payment. However, since the major issue in which we agreed with p is that the obligation to transfer ownership should be carried out, that needs to be done, but that does not automatically give full rights before it is accomplished. In this case, the matter is even clearer because there has not been access to the apartment due to the disagreement with Reuven about the stairs, and therefore it has not been feasible to rent it out.

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