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HEMDAT YAMIM

חמדת ימים

Parashat HaShavua

Vayeishev, 21 Kislev 5778

The Ladder, Chanuka, and Israeli Independence

Harav Yosef Carmel

Are the miracles of Chanuka relevant in our generation? The answer is: more than ever. Let us start with this week's *parasha*.

Yosef's sale into slavery, taking him from *Eretz Yisrael* to Egypt, could be described as the beginning of a period of exile – a long, painful path stemming from a loss of independence.

The Rambam (Chanuka 3:1) explains that the thanks we offer Hashem about the events of Chanuka are on two successes: 1. The undoing of the decrees that prevented our nation's full Torah observance and a life of purity and sanctity. 2. The return of autonomous rule to *Am Yisrael*. As the Rambam famously ends off: "Kingdom returned to Israel for more than 200 years, until the second destruction."

If we look back, we will see that our nation has enjoyed only very short periods of political independence in our history. Vayikra Rabba (Emor 29:2) deals with this sad phenomenon at length. Rav Nachman connected between the *pasuk* "You, my servant Yaakov, do not fear" (Yirmiya 30:10) and "He dreamed, and indeed there was a ladder that was resting on the ground" (Bereishit 28:12). Rav Shmuel bar Nachman said that the angels going up and down on the ladder were the officers of the nations of the world. Yaakov saw the officer of Bavel climb seventy rungs and that of Persia climb 52 (corresponding to the number of years they ruled over Israel. Greece's officer climbed 180 rungs (apparently the time between Alexander the Great and the Hasmonean victory). The officer of Edom (which *Chazal* equated with Rome) went up, and it was not clear when he stopped, as the exile this prompted is the longest of all. This sight caused Yaakov to fear, but Hashem said "You, my servant Yaakov, do not fear." Hashem assured him that even if Edom will go so high as to sit next to Me, "If he will rise up like an eagle and between stars place his nest, from there I will lower him" (Ovadia 1:4). Then Yaakov was fearful – if these nations fall, then maybe the nation that comes from me will also fall. Hashem assured him that if he will go up, he will never come down. Yaakov did not believe and did not go up. Hashem told him that had he gone up, there would be no exile, but since he did not believe and go up, his children would be subjugated to exile and oppression, physically and financially, by four kingdoms. Then Yaakov was afraid that this would never cease (i.e., his children would never have national independence). Hashem responded: "You, my servant Yaakov, do not fear ... I will save you from a distant place and return your children from the land of their bondage, and Yaakov will return and have quiet and be tranquil without fear" (Yirmiya 30:10).

In our generations, we have, *baruch Hashem*, seen a broad and significant ingathering of the exiles. We have merited having independence for already more than 70 years. We have seen an unparalleled flourishing of Torah study. Let us thank Hashem for these too during this upcoming holiday of Chanuka. Let us pray that we will soon merit the continuation of the promise, "Yaakov will return and have quiet and be tranquil without fear," both physically and spiritually.

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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

How to Tell When Your Tefillin Need Adjustment

[Periodically, we re-issue our discussion on the proper position of tefillin shel rosh. Many people motion to their friends to straighten their tefillin, which is rarely a problem, and do not realize that tefillin extending too far forward is a far more severe problem. In *Living the Halachic Process*, I:G-1, we develop the halacha that the end of the tefillin must not go beyond the roots of the hair of the hairline.

Upon visiting different shuls, from various elements of society, it pains me to see great numbers of fine Jews who are definitely donning their tefillin wrong and many others about whom it is hard to tell, especially when they have receding hairlines. Since even some talmidei chachamim get it wrong, I assume that knowing how to apply the halacha to one's head is a big problem. We will focus here on techniques to figure this out.]

Question: How can one tell when his tefillin shel rosh needs adjustment?

Answer: Firstly, an adult who has not adjusted his tefillin shel rosh's knot in several years almost certainly needs an adjustment. Tefillin straps stretch slowly as we apply pressure to them (some more than others) when fastening the tefillin on our head. If one's hairline has not receded, he can easily check (see above).

Now, a little review of the anatomy of a normal human head. The skull is highest towards the back of the head; it then gradually slopes down. Near the front of the head, the slope increases, and then turns into a "cliff" (i.e., the forehead). The hairline ends at the end of the gradual or the midst of the increased slope. No hair (except eyebrows) is rooted in the forehead.

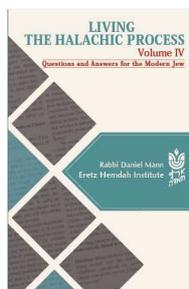
Based on the above, the following are signs of misplaced tefillin. If the end of the tefillin looks like it is "hanging off a cliff," it is certainly much too far forward, as a line drawn down from the end of the tefillin would hit the forehead or even the nose. Because of the increased slope, there may be a little space between the bottom of the tefillin and the head. However, if there is too much room (i.e., a finger fits in comfortably), it is very likely not in the right place.

Another sign is the tefillin's angle. The angle is determined primarily by where the tefillin are fastened to the head by the straps – at the back of the tefillin. Generally, tefillin in the right place will be upright with a slight downward slant. If the tefillin has a serious downward-facing angle, it is generally (unless one has a rounder head than most) too far forward, so that its rear is where its forward part should be (at the beginning of the steeper slope). Thus the tefillin's front will be too far forward, unless the tefillin are very small.

A final sign is the kippa. With average size kippot and tefillin, there should be little or no room between the two. One with a particularly large kippa or who wears it on the top of the head (as opposed to part top/part back) will have to move the kippa back.

When I look around many of the shuls I regularly daven in or visit, I see many too many people with apparent (or definite) problems in this regard. Among older people, I would estimate that the problems apply to well **over 50%**. As I HATE correcting people (and most hate being corrected), I am torn as to when the rectifiable problem is clear enough to halachically/morally require me to do the uncomfortable. The following limud zechut decreases the problem. Most people put the tefillin at a certain position and push it forward in the process of fastening. Thus, some of those who keep the tefillin too far forward had it in the right place for a few moments after the beracha (so that it was not l'vatola) before the fastening was complete, and thereby may have fulfilled the mitzva for that short time.

More people should learn how to shorten the circumference of the head strap, which is necessary for the tefillin to stay in the right place. You are invited to visit me or ask a sofer. It may be easier to search for demonstrations search "youtube tefillin head adjust." Then, you can help yourself and your friends.



We are happy to present our fourth volume of
"Living the Halachic Process".
The book offers a compilation of questions and answers
from our "Ask the Rabbi" project.
Sources for the answers can be downloaded
from our website.
Special price for Hemdat Yamim readers: \$20

Ein Ayah

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

To Feel the Dangerously Evil or Not to Feel?

(condensed from Ein Ayah, Shabbat 5:72)

Gemara: [If Shlomo did not sin, then] what does it mean that “It was when Shlomo grew old, his wives turned his heart after other gods” (Melachim I, 11:3)? It is as Rav Natan said, as he brought a contradiction between the above and “His heart was not like that of his father David” (ibid.), which implies that he did not actually sin. The explanation is that they turned his heart toward following other gods, but he did not follow.

Ein Ayah: It is true that wisdom “spreads its branches out” over the entire world of thought and all the elements of life and activity. It covers good and evil, and truth and falsehood, so that from all of these the power of clarification and the light of life can be expanded. In fact, from matters of stupidity, matters of wisdom become known (Zohar, Vayakhel 47:2). Yet, in order to really understand matters, the feeling of the heart is often integral to the knowledge itself. In such a case, while he can imagine with his mind, he will not be able to grasp them until he also feels them with the heart.

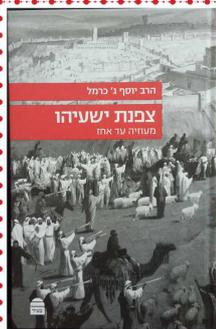
The above creates a self-conflicting situation, which makes it incredibly hard for great people, who have elevated themselves properly in seeking truth and justice, to reach full wisdom. On the one hand, these people need to “arm themselves” with every area of knowledge in the world, including paths of evil, foreign influences, and inanity. These include feeling the negative elements, for only by internalizing them will one be able to rule over those elements and turn them into powers of goodness and divine light. On the other hand, if he feels them as they are, he runs the risk of actually falling into the “net” of the evil.

It is therefore necessary for the great man, who far exceeds a normal person, to first make special preparations in field of ethics, and develop a holy attribute of truth. Then he can delve into the very essence of matters until the depths of his heart and soul. If he succeeds at reaching this unique level, then even the lowly exposure to evil cannot harm him, but will enrich his recognition in a way that will enable him to contribute to the nation as a whole by teaching them how to avoid the pitfalls of the evil.

This ability, to reach the depths of all matters, whether good or bad, in a manner that encases all elements of his life, was a central goal of Shlomo in building his monarchical dynasty for all generations. That required him to go to the depths of even the most foreign worlds, including those from which a normal person would not be able to extricate himself. Shlomo, in contrast, had all the tools and the motivation to prepare himself. Because of that, the inclination toward evil developed in him only when he became older, by which time he had already filled himself with proper preparation to handle the challenge. That is when his wives turned his heart toward other gods. In such a case, the fact that his personal heart was not as complete as David's, and in fact brought him to the brink of terrible sin, was actually an advantage in his quest to improve the nation. It was actually the tendency toward the sin that ensured that he would not sin because he internalized the fact that these sinful matters were full of depravity that can trap people. Only the greatest of all minds could succeed to follow such a dangerous path – to have his heart go toward sin but not to act in sin as a result.

Do not hesitate to ask any question about Jewish life, Jewish tradition or Jewish law.

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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

Was he or Was he Not the Lawyer? – part I

(based on ruling 75084 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The plaintiff (=pl) bought an apartment in 1994. He and the seller used the defendant (=def) as a lawyer, and def is referenced in the sales contract. In 2007, def's office, in an effort to clear space, sent pl and many others their files. In 2014, the seller informed a startled def that he just found out that the apartment is still in the seller's name; it later surfaced that the tax authorities had also not been notified. After a meeting between def and pl, whose details are quite disputed, def did not take responsibility to complete what was missing. The tax authority demanded 44,000 shekels, most of which was due to very late payment. Pl had a new lawyer finish the processes and negotiate a reduction of late payment (to 7,166 shekels). The new lawyer is charging a total of 7,700 shekels for his services, and pl is suing def to pay for both fees that became needed due to his negligence. Def responds that he had indications that pl had not paid and there is no old record of payment, and so he was not responsible to finish the legal processes. The contract anyway says it is the parties' obligation to ensure the processes are finished. Def also wants to invoke the statute of limitations, which has long passed.

Ruling: There is no automatic statute of limitations in halacha, although *dayanim* should look into the possibility that a delay in making a claim makes it suspicious (Shulchan Aruch, Choshen Mishpat 98:1). In this case, there are clear indications that pl had no idea the process had not been completed, and therefore there is no logic to apply a statute of limitations.

Def's main claim, that he was never paid and therefore never obligated to register the change of ownership, was the subject of internal contradictions. He quoted his bookkeeper as saying that there was no payment received from pl, but when *beit din* asked for confirmation from the bookkeeper, def refused to give contact information. Later he admitted to having received some money from an account that belonged to pl's brother. There is no question that def took part in the contract, which both his past and present secretaries testified he generally does not do before being paid. While def claims to have some recollection of running after pl for payment, even if that were true, it still would not explain why he did not notify the seller that he had not done the transfer, as there are even fewer indications that the seller did not pay.

While def claims that it is the buyer's responsibility to check if the ownership has been transferred, *beit din* rejects that claim. Very few buyers are capable of doing that. In fact, when, in 2007, def sent pl's file to him, it was accompanied by a letter sent to many clients in which def indicated he reviewed the files as being finalized before sending them.

Next time we will discuss assessing the amount of damage def must pay for.

We daven for a complete and speedy *refuah* for:

David Chaim ben Rassa

Lillian bat Fortune

Yafa bat Rachel Yente

Eliezer Yosef ben Chana Liba

Yehoshafat Yecheskel ben Milka

Ro'i Moshe Elchanan ben Gina Devra

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