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HEMDAT YAMIM

Parashat HaShavua

Haazinu Sukkot, 13 Tishrei 5778

Beginning Another Time Around

Rav Daniel Mann

Sukkot is a complex time of the year. Within the holiday season, it is at the end of the season of the *regalim*, which starts with Pesach, in the first month of the Jewish calendar (Tishrei is the seventh, not the first month). In the agricultural year, which is so central to the calendar and the holidays, as described by the Torah (see Shemot 34:22), Sukkot is at (/near) the end of the harvest season, i.e., the end of the agricultural year. Therefore, at least if one has an optimistic perspective, this is a time of celebration, and we call it “*zman simchatenu*.” This is a stark contrast to the mood of the recent *Yamim Nora'im*, which focus on fear and trepidation. Many explain Sukkot as a natural return to a more optimistic tone after hopefully succeeding in the spiritual “heavy lifting” of Yom Kippur.

But there is another side of Sukkot, which brings elements of the *Yamim Nora'im* mood into the festive holiday. It is the time of the year that we are judged on the water supply for the upcoming year (Rosh Hashana 16a). Although during the time of the *Beit Hamikdash*, the Simchat Beit Hasho'eva put on an overflowing happy face to the thought of water (Sukka 51a), during Hoshana Rabba and the Tefillat Geshem on Shemini Atzeret/Simchat Torah, we approach the issue more solemnly.

Is this complexity just a “coincidence,” due to the proximity of Sukkot to the new rainy season in *Eretz Yisrael*? Even if it were, it would still highlight the fact that Hashem created life in *Eretz Yisrael*, the national and natural home of the Jewish People, in a manner that makes the end of one agricultural year the beginning of the preparations for the next one. There is no greater classical determinant for the success of the upcoming crop than rain (see Devarim 11:17) and rain in *Eretz Yisrael* is a major focus of Hashem (ibid. 12). So our first preparation for the new crop, as we celebrate the previous one, is to *daven* for rain.

Soon after praying for rain, in the early autumn/winter months, a farmer has to decide about his level of ambition and optimism. Does he have enough belief in what Hashem has planned for his year to allocate a lot of grain for sowing and future gain, instead of eating it for present comfort (see Tosafot, Shabbat 31a)? He is encouraged by last year's crop, but nervous as seen in the need to *daven* with great fervor for the rain. Perhaps he takes the lesson from Yom Kippur – after the hard spiritual work, we are optimistic. Perhaps he is inspired by the reminders of the *sukkot* in which our nation dwelled – reminders that when Hashem wants to give us blessing, nothing can stop His help for those He loves.

Although agriculture now plays a much smaller part in the lives of most of us, the lessons are similar. We have to make decisions about personal parallels to sowing the land and rain. We can use our resources (including our time and energy) for building in a way that makes life somewhat challenging – such as starting a family, making *aliya*, embarking on an ambitious positive project. May we be inspired by the holy and happy holiday of Sukkot to, on the one hand, not take things for granted but to turn to Hashem in prayer. On the other hand, let us use a healthy dose of *bitachon* to be active in chasing those dreams.

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Ask the Rabbi

by Rav Daniel Mann

Tying Up the *Arba Minim* on *Yom Tov*

Question: Last year, I forgot to prepare the *arba'a minim* before *Yom Tov* and just put them in the *koysheklach* without tying anything. If this happens again, what can and should I do to prepare them on *Yom Tov*?

Answer: At first glance, your question is answered directly by very basic sources. The Shulchan Aruch (Orach Chayim 651:1, based on Sukka 33b) rules: "If they were not tied together before *Yom Tov* or [the knot] came apart, it is not possible to tie them with a full knot but rather with an *aniva* (bow knot)." The Rama (ad loc.) cites an alternative – to wrap the *lulav* leaf around the three species and then tuck its head underneath. However, we should discuss some other factors about the process, including how *koysheklach*, used by Ashkenazim, affect the situation.

One question is whether what you did is different and inferior to the normal situation. There is a *machloket Tannaim* whether there is a full halachic obligation of *egged* – to tie the *minim* together (Sukka 33a). According to the opinion that it is required, it must be a halachic knot, the type that is forbidden to make on Shabbat/*Yom Tom* (ibid. 33b). While we *pasken* like the opinion that *egged* is not fully required, it is still a *mitzva* to have them tied up – in order to "beautify" (= *noy*) the *mitzva* (ibid. 33a). The Shulchan Aruch (ibid.) rules that this is normally to be done with a double knot. It is unclear if the Rama (ibid.), who gave the idea of wrapping and tucking, meant this only for when it is done on *Yom Tov* or it can even be done regularly (see Mishna Berura 651:11).

These opinions correspond to two approaches to what the *gemara* meant by rejecting the need for *egged* but urging some level of it due to *noy*. One approach is that the *noy* is in having the *minim* tied up together, the same way practically as *egged*, just that it is not as crucial. According to this, you ostensibly missed out by not being able to make a knot. The second approach is that there is a different criterion, which is aesthetic, and a halachic knot is not an independent value.

These approaches find expression in the *machloket* about *koysheklach*, which developed a few hundred years ago in Ashkenaz lands. There were some, including the Chatam Sofer (Sukka 36b), who say that *noy* in this context follows halachic grounds of *egged*, and therefore if the *koysheklach* are not wound firmly by a halachic knot, they are insufficient. Supporters of *koysheklach* respond in one of two ways: 1) Since *egged* is not needed, *noy* follows aesthetic criteria, according to which *koysheklach* exceed a simple double knot; 2) *Koysheklach* contain permanent intricate knots, and it makes no difference whether one tied a knot around the *minim* or whether the *minim* were slipped into an existing knot (or set thereof). (See more on the latter distinction in the Harerei Kedem notes to Mikraei Kodesh (Frank), Sukka II, p. 106-108). These questions also relate to the *machloket* about whether or not it makes a difference if the *minim* are bound together by one who is obligated in *arba'a minim* (see Mishna Berura 649:14).

According to the "practical" approach, what you did was fine, if you attached the *koysheklach* firmly to the *lulav*, preferably by wrapping or making a bow knot with a *lulav* leaf. According to the knot approach, what you did was only okay *b'dieved*.

Another issue is what to do if you did not remember to detach *lulav* leaves from the *lulav* before *Yom Tov*. Although *muktzeh* for the *mitzva* does not apply until the *lulav* has been used (see Mikraei Kodesh (Harari), *Arba'a Minim* 9:7), there is a *machloket* whether removing a leaf from a *lulav* to be used for this purpose is considered like making a *kli* (see ibid. 24). They certainly should not be cut to size or made into rings before attaching to the *lulav* on *Yom Tov* (ibid. 23, fnt. 65; see Piskei Teshuvot 651:3). Realize that the more important connection is the one that holds the three *minim* together, whereas the two or three on the *lulav* are a later idea (Rama ibid.).

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

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Ein Ayah

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

True Happiness of the Highest and Almost Highest Levels

(condensed from Ein Ayah, Shabbat 6:114)

Gemara: There is a story of R. Akiva, who made a party for his son. For each glass of wine they brought, he said: "Wine and life according to the Rabbis; life and wine according to the Rabbis and according to their students."

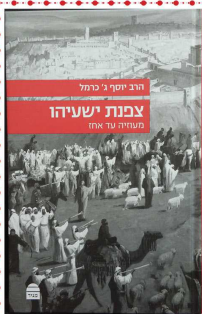
Ein Ayah: Happiness is connected to wine, as it says: "Wine shall make the heart of man happy" (Tehillim 104:15). The spiritual happiness of the spirit is the crown of the truth of the Rabbis.

It is not some specific thing, action, or matter that is studied that causes Torah scholars of the highest level to be happy. Rather, they are in an ongoing state of happiness. Happiness from their connection to Hashem is itself the root of these scholars' souls, and this connection is beyond all the value of life. It is from this joy that their spiritual and practical lives cull their aura and the influence that comes from the special light.

The greatest of the Rabbis would have been able to elevate themselves even farther than they did in the spiritual joy that transcends life if they did not have to stay connected to their students, whose lives are much more standard. The students need to be brought along slowly, step after step.

On their own, the Rabbis would see immeasurable spiritual riches and would have deep aspects in their lives of highly defined spiritual shades. Their happiness is the source of their life, and from their light the world is filled with sanctity and wisdom, truth, completeness, and justice. For this reason, at a meal of sanctity, at which Hashem's presence is felt, it is appropriate to declare that the wine and the life, [which are linked to happiness], are according to the Rabbis. The joy that is related to the wine, which is being used in a manner that is reminiscent of the libations on the holy altar, impacts the essence of life and makes it what it is.

Those who have embarked on the path of spiritual development, and want to enter the hall in which the light of Hashem can be seen, must sanctify their lives through proper study and proper action. With every bit of light that emanates from every mitzva and every amount of Torah study, they can draw water in exhilaration (see Yeshaya 12:3). When they reach their desired level, they will attain true joy. In their regard, it can be said: "Life and wine are according to the Rabbis and according to their students." Due to the connection they have with their students, the masters can walk along the same paths with measured steps. "In His arm He will gather the flock" (ibid. 40:11). "Light is sewn for the righteous, and for those with a straight heart there shall be joy" (Tehillim 97:11).



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

The Right to Back Out of a Sale – part II

(based on ruling 76105 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The plaintiffs (=pl) wanted to buy one of the apartments that the defendant (=def) was building, for 650,000 shekels. Pl gave def 15,000 shekels as *d'mei retzinut* (earnest payment), and the sides signed a memorandum stating that if def did not go through with the deal, the money would be returned; if pl would back out, def would keep the money. Subsequently, pl invested money into the apartment, paying def for building changes they requested. Two years after the original agreement, def told pl that he would not sell them the apartment, blaming pl's behavior and lack of cooperation. Pl sued def for breach of contract, a sum of 440,000 shekels, arguing that not only had his investment in the apartment been lost, but that while waiting for the apartment to be ready, home prices went up nationally dramatically. The matter was taken to a different *beit din* (some of the ruling will be discussed below), but the sides agreed that Eretz Hemdah should review it in a binding appeal process according to Eretz Hemdah's appeal rules (rulings are overruled only for mistakes in Halacha or clear mistakes in facts of the case).

Ruling: [Last time we saw that while def was responsible for halting the agreement, he did reserve the rights to do so in a way that should not include a *mi shepara*.]

There are other reasons for there not to be a *mi shepara*. Two contemporary *poskim* posit that *mi shepara* is only for cases in which there was full intention to complete a sale, just that the *kinyan* was incomplete. Here, in contrast, the sides were unsure if they would go through with it, even if money was paid. Also, there is a *machloket* whether *mi shepara* applies to a case where money was paid for real estate with an incomplete *kinyan*, or only for movable objects (see Beit Yosef, Choshen Mishpat 191). Finally, according to the S'ma (209:23), there is no *mi shepara* on an object that was not fit to be sold (e.g., it did not yet exist) at the time of the agreement. In our case, most of the apartment was unbuilt at the time of agreement, and the land, which did exist, was not the sides' main intention. Therefore, we do not accept the penalty payment ruled by the first *beit din*.

Def must pay pl for the damages he caused them, as they invested money into the apartment through def. However, these expenses come only to 2,500 shekels (plus return of the 15,000 shekels). The skyrocketing of home prices while pl was waiting is not a direct damage, which one needs to pay for, but preventing gain from occurring. Although we often obligate even for the latter, that is only when the gain by use of one's money was definite (see Shut Chatam Sofer, CM 178), which is not the case here. Furthermore, in this case, pl did not prevent def from buying something else with his money, as only a small percentage of the sales price was advanced. The fact that he had reason to expect that it was unnecessary to buy something else is not direct enough to obligate payment.

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