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HEMDAT YAMIM

Parashat HaShavua

Toldot, 2 Kislev 5778

On Weddings, Social Connections, and Related Dangers

Harav Yosef Carmel

The Chitite people who lived in Chevron helped Avraham buy *Me'arat Hamachpela* from Ephron the Chitite. The *p'sukim* (Bereishit 23:3-20) stress in several places the involvement of this group in all elements of the interaction between the two. We find the Nation of Chet in this week's *parasha* as well. Yitzchak's son Eisav married two Chitite women: Yehudit the daughter of Be'eiri the Chitite, and Bosmat the daughter of Eilon the Chitite (ibid. 26:34).

It is possible to surmise that the good relations that developed with the Chitites in the framework of the buying of *Me'arat Hamachpela* eventually led to Avraham's grandson's marriages to two members of that nation. Who knows if they were not even relatives of Ephron?

At first glance, these marriages foretold positive developments, which are hinted at a few times. Eisav got married when he was 40, which was the same age as Yitzchak, which shows how he emulated his father (Midrash Aggada, Toldot 26:34). The name of his first wife, Yehudit, may hint that this Chitite family might have entered the circles of the forefathers and their disciples of believers in Hashem. This is along the lines of the *midrash* (Sechel Tov, Toldot 26:34), that she (Yehudit) was given a good name. The name of the second wife, Bosmat (similar to *besamim*), also hints at a good smell, which is associated with good deeds.

The names of the fathers of the wives of Eisav also are found in *Tanach* in positive contexts. Be'eri was a prophet and a leader of the Tribe of Reuven, and is most famous as the father of the prophet Hoshea (see Hoshea 1:1; Divrei Hayamim I, 5:6). Eilon is one of the judges, and hailed from the Tribe of Zevulun (Shoftim 12:11).

Unfortunately, all the above indications were of help only on face value. *Chazal* tell us that these women were like pigs – their kosher attributes were on the outside, while their internal characteristics were bad.

We can demonstrate that the ends of these stories were all negative. Eisav's second wife was also the grandmother of Amalek, whose relationship with our people is well known. Yehudit was not very "Jewish" in her actions, as the children of Eisav did not know how to build on the positive elements of their lineage.

The clear conclusion is that the Nation of Israel has a special task to be a light unto the nations and impact positively on others with their actions. It is critical to avoid being a hypocrite. Receiving benefits from those who impact dangerously on our nation can bring horrible results.

Let us pray that we will be able to spread Torah from Zion and the word of Hashem from Jerusalem in a manner that will bring only spiritual improvement and increased light.

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Ask the Rabbi

by Rav Daniel Mann

Announcements before *Shemoneh Esrei* of *Ma'ariv*

Question: I thought that at *Ma'ariv* of Rosh Chodesh (or other times there is something new to say), the *gabbai* calls out "Ya'aleh V'Yavo" (=YVY) before *Shemoneh Esrei*. But in many *shuls*, someone just bangs. Which way is correct?

Answer: While all agree that *semichat geula l'tefilla* (connecting the *beracha* of "Ga'al Yisrael" to *Shemoneh Esrei*) is important at *Shacharit*, not all agree regarding *Ma'ariv* (see Berachot 9b). Since the conclusion is that it does apply at *Ma'ariv*, one may not talk before *Shemoneh Esrei* of *Ma'ariv* (Shulchan Aruch, Orach Chayim 236:2).

Nevertheless, the Rashba (Shut I, 293) justified a *minhag* to call out "Rosh Chodesh" before *Shemoneh Esrei* at night. He reasons that talking for the needs of *tefilla* is not considered a *hefsek* and that the fact that *Ma'ariv* is an optional prayer reduces the severity of such a break. Indeed we rule that pertinent announcements are permitted at *Ma'ariv* (Shulchan Aruch *ibid.*), but not at *Shacharit* (Taz, OC 114:2).

The Maharashal (see Bach, OC 236) disagrees with the Rashba. He argues that the only speech permitted between *geula* and *tefilla* is reciting things instituted by the Rabbis (such as *Hashkiveinu* and *Baruch Hashem L'Olam*). He posits that *Ma'ariv* is no longer optional because *Klal Yisrael* accepted it as binding, and that in any case, in the midst of *tefilla*, even if it were optional, one may not make a break. The Mishna Berura is among those who bring no dissenters on the Shulchan Aruch's permission to announce YVY at *Ma'ariv*, and this is the standard approach presented by contemporary Ashkenazi *tefilla* compendiums (see *Ishei Yisrael* 28:24; *Tefilla K'hilchata* 19:20).

Some *poskim*, though, cite *minhagim* which do not permit calling out "YVY." The K'tzot Hashulchan (27:5) cites the Ba'al Hatanya's *siddur* as forbidding it; the Kaf Hachayim (OC 236:17) says that the *minhag* in Yerushalayim was against it, and the Yalkut Yosef (OC 422:2) rules this way. One explanation (see Kaf Hachayim *ibid.*) of these counter *minhagim* is that they are concerned that the Maharashal, not the Rashba, is right. It is perhaps more likely that it is a shame to allow speaking when there are effective, preferable alternatives.

As you mentioned, many suffice with simple banging, as in many *shuls* everyone understands what they are hinting at. Producing sounds, like other forms of non-speech hints, is not a *hefsek* in *davening* except for in *Shemoneh Esrei* and the first *parasha* of *Kri'at Shema* (Shulchan Aruch, OC 653:6; Mishna Berura 104:1). It is likely that the *minhag* of banging developed not as a rejection of the possibility of announcing, but out of a realization that, **in some shuls**, it is unnecessary.

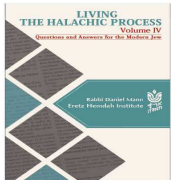
Another alternative (see Magen Avraham 114:2, in a related context; Kaf Hachayim *ibid.*) is for one who gets up to YVY in *Shemoneh Esrei* to remind others by saying those words out loud. While one generally should not *daven Shemoneh Esrei* out loud, it is permitted for one *davening* at home when there is a reason for it (Shulchan Aruch, OC 101:2). In *shul* we are concerned that this will disturb others (*ibid.*). However, it is hard to have such an objection when one person is saying two words to help the *tzibbur*. An advantage of this system is that the reminder comes closer to the time people recite YVY, and is in that way more effective. Do note that some consider saying words of *Shemoneh Esrei* out loud to be disrespectful (see opinions in *Dirshu* 422:2), at least if not done by someone appropriate like a *gabbai* or the *chazan* (Halichot Shlomo, Mo'adim p. 1). There is often a technical problem – if the one saying out loud does not start early or *daven* faster than others, many will get to YVY before him.

In summary, there are three legitimate ways to remind people to recite YVY, each with advantages and disadvantages, some of which depend on the *shul* (e.g., if people understand the bang). Since people have seen each system, many *shuls* develop a hodgepodge of practices, which is neither great nor terrible. If the *rav* has not set a policy, any alternative is fine.

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.)

Melacha – Quality, Not Amount of Force

(condensed from Ein Ayah, Shabbat 7:10)

Gemara: One who tightens the thread of fabrics [that were already sewn together but became loosened – Rashi] on Shabbat, requires a *chatat* offering [for atonement for violating Shabbat].

Ein Ayah: The character of *melacha* (forbidden work on Shabbat) does not depend on its external form, i.e., the amount of force that a person must expend to complete it. Rather, it depends on its internal character, or its spiritual form, i.e., the qualitative improvement to the object to which it relates.

It is true that the two elements are usually interconnected. In other words, *melacha* that brings some significant embellishment also requires significant physical action by a person. However, this correlation is coincidental. If it turns out that an activity has the qualitative requirements of a *melacha* without involving significant physical action, nothing is detracted from its status in regard to the laws of Shabbat. Indeed the consequences for one who does a *melacha* on Shabbat are a function of the *melacha's* qualitative, even spiritual, quality of that which is accomplished.

When one tightens a thread that forms the stitches in fabric, he rarely has to use noteworthy force. Nevertheless, it contains a full status of *melacha*, as it improves a garment, whose various fabrics start separating from each other if the thread has not been tightened. That is why there is a need for a *chatat* offering.

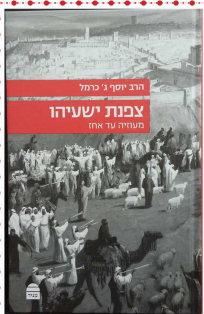
The Impact of a Morally Corrosive Source of Information

(condensed from Ein Ayah, Shabbat 7:11)

Gemara: One who learns even one thing from an *amgosh* (a negative person, whose specific fault is the subject of a subsequent *gemara*) is deserving of death.

Ein Ayah: When the human spirit delves, with all its depth, thought, feelings, desires, and imagination, into the depths of animalistic coarseness, it sets many and deep paths of darkness. The general approach that the paths of darkness employ is to bring the desired “peace” between a person’s evil and lowly tendencies and between his good and lofty tendencies by “killing” the positive tendencies and having the negative ones take control over all of a person’s totality. From there darkness takes over the world.

The phenomenon of the *amgosh* sets the stage for idol worship, and his ways are very complex. Sometimes such a person has positive things to offer and can teach things that are useful. However the characteristic of the *amgosh* imprints on everything in which he is involved with venom. Thereby, anything that comes within his domain will cause an increase of darkness and allow a person’s lowly animalistic elements to cause him to be brash and have his side of *chutzpa* prevail. Even the smallest measures of intellectual attainment that come from such a destructive source have venomous impact. They strengthen a person’s excitement with that which his evil inclination presents in a way that grows and grows in severity. One who learns from an *amgosh* thus leads himself away from the proper paths of life.



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

Fee for Yishuv for Allowing Purchase of a Housing Unit

(based on ruling 76075 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The plaintiff (=pl), a *yishuv*, raffled off among its interested members the right to buy mobile-home units, one which they owned and others that the Jewish Agency Department for Settlements (=the *Chativa*) owned. (The *Chativa* only sells these units to those chosen by pl). The former costs 130,000 shekels; the latter cost 114,000 shekels. The defendants (=def) won the rights to one of the latter. After winning the lottery, def received a letter from pl saying that they would have to pay 16,000 shekels to pl for the right to buy the unit. Def indicated that they would pay pl, but after finalizing the purchase with the *Chativa*, def refused to do so. Pl is suing for that money. Def claims that the *Chativa* told them before they finalized that pl is not authorized to demand money for the sale of the *Chativa's* housing unit. Pl also argues that once def promised to pay, they are required to do so, especially because had they not done so, pl would not have allowed def to buy the unit. Def respond that there was a point at which they were prepared to pay the fee, but subsequently when the *Chativa* said that there was no need to do so, they are not willing to pay. The two sides also dispute whether the buyers were informed before the lottery that winners would be charged.

Ruling: The main question is whether pl was authorized to charge a price for the sale of the *Chativa's* mobile-home, as each cite the *Chativa* as agreeing with them. *Beit din* queried the *Chativa* for their stand in writing. The gist of their legal counsel's response is as follows. A *yishuv* may charge a reasonable fee for investments they made in making the unit available to the buyer, including expenses on infrastructure. They may not use it as an opportunity for general revenue creation, unless this is permitted by their charter.

In this case, pl had stated that their justification for charging the 16,000 shekels was to make the price of all the different units the same (130,000). They did not demonstrate that it had anything to do with infrastructure or the like. Their charter also does not authorize the levying of taxes selectively, which this amounts to. Therefore, pl was not authorized to demand the money.

Regarding def's agreement to pay, def explain that at the time they made it, they did not yet know that payment was not required. The *halacha* is that if one agrees to an obligation to pay based on a false premise, they are not bound by it (Gittin 14a; Shulchan Aruch, Choshen Mishpat 40:1). That being said, it was improper for def to have agreed to pay without making it explicitly contingent on the decision of the *Chativa* on the matter, and refuse only after the sale was complete. They should have been up-front on the matter and could have argued, at the time they heard about the extra charge, pl's rights to cancel their winning of the lottery.

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