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# HEMDAT YAMIM

## חֶמְדַּת יָמִימִים

### Parashat HaShavua

Ki Tisa, 22 Adar 5781

### Quality Over Quantity

Harav Yosef Carmel

[This is an updated, free translation/adaptation of Rav Carmel's d'var Torah from last year. It is telling that election season and Corona are once again/still on our minds at this time of year.]

"When you count (*Ki tisa*) the heads of Bnei Yisrael according to their numbers, each shall give the atonements of his spirit to Hashem when they are being counted, and there should not be a plague as they are counted" (Shemot 30:12). The counting reminds us of the upcoming elections and the plague reminds us of the not yet finished Corona pandemic.

Rav Yisraeli z.t.l. taught us that one of the problems with an attempt to define *Am Yisrael* through numbers is giving precedence to quantity over quality. Undoubtedly, counting votes should decide on a quantitative basis who has more support. In all of the recent elections, the goal was one – increasing the number of votes your party receives. Literally everything is focused on that.

But what are the ethical boundaries that exist during the quest to reach that goal? This question was not raised by almost any political party regarding their activities. Personal attacks, of the lowest kind, turned into the norm and were legitimized (using religious terminology, with a "*mehadrin hechsher*").

The question of how we can turn the State of Israel into a more Jewish state from an ethical and religious perspective was not brought to the fore by any party. Some religious parties may have raised the issue of Shabbat observance, which is a value-based matter, but it was done in the manner of: "Give us more votes so we can pass legislation to forbid the desecration of Shabbat." There was not a focus on how to promote greater love and respect for Shabbat within the wider population in all of its "shades." Other parties highlighted the settlement of the land, which is a fundamental matter, but they too focused on how to get enough seats to improve matters through legislation. Everyone forgot that such goals can only really be achieved by increasing love; coercion only increases resistance. Even if people affirm "We need unity," it remains hollow unless one introduces a list of agreed-upon values to elevate Israeli society and bring it closer to our Father in Heaven.

These ideas are included in the phrase "*ki tisa*," which has multiple meanings. *Noseh* can mean to forgive (Hashem is "*noseh* sin, failings, and iniquity and erases fault" (Shemot 34:7). Another meaning is elevating: When the Torah says "*naso*" the head in the context of counting, the *midrash* (Bamidbar Rabba 4) relates it to: "(Evil-Merodach was *noseh* the head of Yehoyachin the king of Yehuda from the prison ..." (Melachim II, 25:27-28). Years ago, we wrote to combine them – to elevate society by people forgiving each other.

The *pasuk* ends with avoiding plagues. When dealing with Corona, we have gotten used to quarantines separating people from the rest of society and social distancing. In order to deal with such challenges successfully, there must be true unity and agreement on certain principles, which we are able to agree upon. Doing so helps avoid the disintegration of the society, which is our biggest danger. If we go about this seriously, we will merit seeing a nation experiencing "light, happiness, joy, and honor" (Esther 8:16).

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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

## Attaching a *Mezuzah* to a Door Leading to Nowhere

**Question:** We are adding a floor to our house. At first, we will access it from the house, but we may eventually make it a separate unit with access via stairs from the street. Therefore, we made a door on the side of the street – during construction it is accessed by a temporary ramp, but then it will be sealed until if and when we build stairs. Does that door require a *mezuzah* now? If we put one up, will it be able to stay if we open it, or will it be *ta'aseh v'lo min he'asuy* (= *tvlmh*; *pasul* because it came into a proper *mitzva* state without a direct action)?

**Answer:** To be obligated in *mezuzah*, a doorway and the adjacent area must have certain structural characteristics (Shulchan Aruch, Yoreh Deah 286:6-17), one needs to own it on some level (Menachot 44a; see Tosafot ad loc.), and the area must serve a recognized function (Shulchan Aruch, ibid. 1-2). During construction, the function is normally missing. Even after one buys or builds a house that is ready for use but people have not moved in, there is no obligation for a *mezuzah* (Magen Avraham 19:1; Birkei Yosef 19:2). Even after starting to use, one's obligation stops if he abandons the place or rents it out (Tosafot ibid.). So you do not yet need a *mezuzah* for either entrance.

When the extension is ready, if the external door was not made to be used at all past the construction stage, the obligation will not begin on it (see Shulchan Aruch, YD 186:17-18). If it will be used for a while and the ramp will be removed later, then it will require a *mezuzah*. Then, if the door will be sealed shut for a long time, that likely uproots the obligation (see Pitchei She'arim 286:208; Shut Shevet Sofer, YD 92). If the *mezuzah* remained, there would be a *machloket* upon putting in the stairs whether it would be *tvlmh*, and it should be removed and returned (Pitchei Teshuva, YD 286:13); what to do about a *beracha* is beyond our present scope.

Is it good/okay to be "*machmir*" and put up the *mezuzot* while construction is in process? *Mezuzah* resembles *tzitzit* (Tosafot and Birkei Yosef ibid.); they are activated by wearing a garment/living in a house. The *mitzva* act is attaching the *tzitzit/mezuzah* to the garment/doorpost. We tie on the *tzitzit* well before the *mitzva* is fulfilled upon wearing it. (There is a *machloket* whether one may put the garment on and then start tying on the *tzitzit* - see Tosafot, Yevamot 90b and Rambam, Tzitzit 3:10.) We might then expect that if one put up the *mezuzah* before moving in, he would make the *beracha* when moving in. The Magen Avraham (ibid.) believes there is a *beracha* with different language if one moves into a house that already has *mezuzot*. Rabbi Akiva Eiger (Shut I:9) thought that logic dictated that anytime a person leaves his house for several days, he would make a new *beracha* upon returning. We accept the Birkei Yosef (ibid.), who argues that the *beracha* on *mezuzah* was instituted for the last time one is involved in the *mitzva*, which is when one attaches it to the wall. But then that should be at a time of obligation.

According to most *poskim*, the best time to attach the *mezuzah* is around the time that one begins to live in the house, either right before (Da'at Kedoshim 289:2) or after one starts living there (see Chovat Hadar 3:(7)). If it is too early, it will not be possible to make a *beracha* as there is no obligation yet. Some say that once one starts moving his possessions into the house, it is close enough (see Dirshu 19:3).

The classic case of *tvlmh* is when one attaches a *mezuzah* before the elements for *mezuzah* exist (including when the door led to nowhere or when the area is a construction site). If one attached it when the area was ready to be used but he just did not start using it, according to most opinions it is a valid attaching, and he would not have to redo it when the time came (see Sdei Chemed, vol. V, p. 59; Keren Ora, Menachot 44a). However, he could not make a *beracha* when attaching it (making the *beracha* later is complicated – see Chovat Hadar 11:(22)); thus, doing it clearly early is likely not positive.

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





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## Igrot HaRe'aya – Letters of Rav Kook

### Supporting Non-grafted *Etrogim* – Vol. I, #17, p. 15

**Date and Place:** 25 Adar 5665 (1888), Yafo

**Recipient:** The honorable members of the “Pri Etz Hadar” association

**Body:** I received your honorable letter, which brought joy to my heart to know that we have “redeemers” in the Holy Land for the holy *mitzva* [of *lulav* and *etrog*] to save the entirety of *Klal Yisrael* from grafted *etrogim*. Grafted *etrogim* have been spreading broadly throughout the Jewish people, which upsets anyone who fears Hashem and truly desires [that] *mitzvot* [be done properly]. From my perspective, I am prepared to stand by you to the extent that my limited abilities will allow me to succeed.

When you are able to complete the necessary steps to clarify that [an orchard of] *etrogim* is *kosher* and clear of any concern of grafting, I will testify about them before the nation of Hashem in the dispersion of exile that they are indeed *kosher* and clean from this blemish. I am sure that “our brethren, the Sons of Israel” will know to give precedence based on this fundamental advantage of the *kashrut* of *etrogim*, by being assured that they are not grafted but clearly *kosher*. This exceeds the advantages of external beauty, which is easier to achieve when the fruit are grafted onto lemon rootstocks.

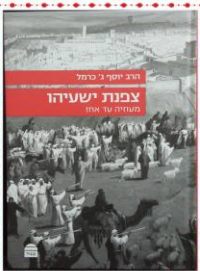
These are the details that you honored men must fulfill so that I can give a certificate of *kashrut* in a positive spirit, with Hashem’s help:

1. You must clarify for me with complete certainty that the source of the seeds from which your *etrog* trees come are from *etrog* trees that grow uncultivated, [which is an indication] that there is no concern of grafting.
2. Allow me to appoint G-d-fearing supervisors with expertise in the matter to check the orchards by means of their roots in a reliable check to ascertain that they have not been grafted with another species.
3. There must be a reliable supervisor who will be present at the time of picking and packaging to attest that grafted or questionable *etrogim* were not mixed in among the *etrogim* that are free of questions. He must also make sure that *terumot* and *ma’asrot* were taken according to Torah law and that there is no problem of *orla* (fruit from the tree’s first three years).

When you will fulfill these three requirements, I will, with Hashem’s help, strongly attest to your *etrogim’s kashrut* [while noting that they are] raised by our brethren who work the fields of the Holy Land. I hope that all of the greatest rabbis in the Diaspora, and all who fear Hashem and perform *mitzvot* in the best way, will stand by your side. All those who love the Holy Land in all the places that the Jewish People are dispersed will strengthen your hands, which are involved in sacred work, so that you will be able over time to plant more orchards that produce *kosher* “choice fruit of the tree” (the Torah’s term for *etrogim*). This will enable the holy *mitzva* to be fulfilled according to its *halachot* in a certifiable way by all of the nation of Hashem. This will also give greater strength and vigor to the Jewish settlement efforts in *Eretz Yisrael* and give employment to farmers in our Holy Land who work the land with the sweat of their brow, planting *kosher etrog* orchards according to Torah law in a manner that brings honor and magnificence.

**Sign Off:** The blessed Hashem should bless you and bring success to the work of your hands. He should enable us to see the happiness of Zion and its building through the ingathering of its children into it in joy. “Those who come shall be rooted in Yaakov and will bud and flower in Israel, and they shall fill the face of the world with produce” (Yeshayahu 27:6).

Historical Note: Some two years later, Rav Kook published a book called *Etz Hadar*, which clarifies the problem of grafted *etrogim* and calls on Jews to buy from those farmers in *Eretz Yisrael* who grow *kosher etrogim*.



**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

## Operating a Preschool in a Private Building – Part II

(based on ruling 80036 of the Eretz Hemdah-Gazit Rabbinical Courts)

**Summary of Original Ruling and Appeal:** The plaintiffs (=pl) are residents in an apartment building in which their neighbor (=def) operates a preschool program (*gan*) for two-year olds. *Pl* complain that this causes noise and disturbances in the building, including making the use of elevators unfeasible at times. *Beit din* had ruled that the *gan* could continue for three reasons: 1. The present use of the apartment for a small group of children is within ordinary use approved by municipal standards (up to 10 children in Jerusalem). 2. Even if it were out of the ordinary, special consideration is given to Torah schools, and this applies to *ganim* as well (it is at least a matter of *mitzva*). 3. The Chatam Sofer says that necessary businesses that cannot be run in commercial areas can operate in residential ones; since there are not enough public accommodations for *ganim* in Jerusalem, residents cannot prevent their neighbor from running a small *gan*.

The appeal questions these reasons as follows: 1. According to Israeli law, it is forbidden to have any business in a residential building without a special permit, and the municipality's turning a blind eye does not change that. In this case, also, neighbors have complained for years, and *def* has not acted to minimize damage. Also in the past, she exceeded 10 children, and it is hard to check if she is now exceeding it. 2. The special allowance for Torah schools applies only from the age of six, and certainly not under three, and it anyway cannot overrule a local law. 3. The Chatam Sofer applies only when there are no alternatives. In this neighborhood, there are many public buildings, and, in any case, *ganim* are usually on the ground floor, where they are less disruptive.

**Ruling:** Last time we saw why the ruling that the *gan* could continue was correct. Now we address guidelines set for it. We do not want a situation where one acts only according to what he is legally required to do, without concern for the welfare of neighbors. This applies to both sides, but, primarily, *def* should be sensitive to the suffering of some neighbors from the operation of her *gan*. Her obligations as an educator begin with educating about concern for neighbors. On the other hand, members of *pl* must act cordially toward the children and their parents.

The ruling that these visitors not use the elevator and that *def* should hand out an instruction sheet to parents that include this is correct. However, this does not mean that if there have been a few instances in which parents used the elevator, the *gan* now must close. *Def* has proven that she has done as expected of her. This does not include policing unless her request of the parents is being ignored. However, *pl*'s claims only identify three violations and a claim of maybe one parent a week. If that had been the case originally, presumably the suit would never had been brought. *Pl* demand a list of the families in the *gan* so that they can regulate the number. This is not necessary, as *pl* are not supposed to be policing; the municipality and the umbrella organization of private *gamin* to which *def* belongs should do the regulating.

As long as *def* is following the rules, she is not obligated to pay for any alleged depreciation in the value of *pl*'s apartments.

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

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