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HEMDAT YAMIM

Parashat HaShavua

Balak, 17 Tamuz 5775

Mashiach's Army

Harav Yosef Carmel

Why didn't David Hamelech merit to fulfill his life dream of building the *Beit Hamikdash*? The most accepted answer is that as one who took part in wars and spilled the blood of Hashem's enemies, he was precluded from building the house that symbolizes peace. We will try to evaluate this answer in light of rulings of the Rambam and in light of *p'sukim* from this week's *parasha*.

The *Amora* Shmuel said: "There is nothing between this world and the days of *Mashiach* but the enslavement to the kingdoms" (Berachot 34b). The Rambam (Commentary on the *Mishna*, introduction to the last *perek* of Sanhedrin) accepts this approach. Any reasonable person will understand that one cannot have a Kingdom of Israel without assembling a military force, which is also needed to stop the subjugation of other forces and protect the people at the time of *Mashiach*. Since the nations will still be interested in destroying us, we will have no choice but to use this force.

This idea is all the clearer when looking at the way the Rambam comments on Bilam's final prophecy (Bamidbar 24:14-19). "... I will advise you what this nation [Israel] will do to your nation at the end of days. ... a tribe in Israel will arise and destroy the leaders of Moav and penetrate the Children of Seth. Edom will be conquered ..." The Rambam (Melachim 11:1) explains as follows: "The King *Mashiach* will arise and return the Kingdom of David to its former Kingdom and build the *Mikdash* and gather the scattered of Israel, and all matters of justice will return to their previous state... these are all matters that are stated explicitly by the Torah and include everything that the Prophets wrote. These things were even mentioned in the section on Bilam, in which he prophesied about two *Mashiachs*. One is the first *Mashiach*, i.e., David, who saved Israel from their enemies, and there is also a last *Mashiach*, who will emanate from [David's] offspring and will save Israel from the sons of Eisav." The Rambam continues by going through the parallel sections of the poetic description of the future events from our *parasha*. The first segment of each *pasuk* refers to David, and the second segment refers to the future *Mashiach*, *pasuk* after *pasuk*.

According to this, *Mashiach* is the "twin" of David. Thus, just as David assembled an army and took part successfully in battle, so too will *Mashiach*, even though we are told that it will be *Mashiach* who builds the final *Beit Hamikdash*. There is no contradiction between having an army and building a *Beit Hamikdash*. Thus, David could have been able to build the *Mikdash* despite his battles. At some future day, we will explain the *p'sukim* in Divrei Hayamim (1:22:8) that seem to say that it was the blood that David spilled that disqualified him.

Today as well, Hesder students combine the study of Torah with significant service in the IDF. They are, in that way, like the warriors of David, who sanctify Hashem's name by taking part in Israel's wars. May they and the rest of us merit seeing the building of the *Beit Hamikdash*.

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by Rav Daniel Mann

Stopping to Rent Out to a Shul

Question: I own a property that I have been renting out to a *shul* for years, but now I want to sell it. The members of the *shul* say I have no right to do it because my sale will effectively close down the *shul*, which is forbidden, so I must continue the rental. Are they correct?

Answer: We cannot get into “Choshen Mishpat” questions of when a landlord can remove a tenant from rental property (see Shulchan Aruch, CM 312). Rather, we will deal with the “Orach Chayim” questions of closing down a *shul*, assuming that you otherwise would be permitted to end the rental.

First of all, under certain circumstances and conditions, one may sell a *shul* (see Shulchan Aruch, Orach Chayim 153:6-7). One basic condition is that the decision is made in a serious manner by community leaders that the step is in the community’s best interest. In this case, the community wants to keep the *shul*, so we must see whether the fact that it is rented rather than owned makes a difference.

The *gemara* (Megilla 26a) cites the Rabbanan’s ruling that the part of town where prayers are held on public fast days lacks sanctity because praying is done there on an *ad hoc* basis. The Beit Yosef (OC 154) cites Mahari Ibn Chaviv as saying that the *batei kneset* of his time/place lacked *kedusha* because they are expected to be used for a limited time, secretly, until removed by the authorities. Some (including Shut Chatam Sofer, Yoreh Deah 225, Michtam L’David OC 5) say that the critical factor in his case is the lack of even short-term security. However, the Shulchan Aruch (OC 154:2) implies that regarding any rental, where the congregation’s ongoing use of the premises depends on the landlord’s agreement, there is no *kedusha* (see Mishna Berura 154:4). Distinctions are made, including the duration of the rental (Mishbetzot Zahav 154:1) and whether the rental is for a set time or open-ended (see opinion cited by Piskei Teshuvot 154:2). However, all seem to agree (see Chatam Sofer, *ibid.*) that when the rental period is over, the status of *beit kneset* ceases. *Poskim* assume that no status of *beit kneset* can prevent a landlord from legally discontinuing the rental. (Admittedly, some of the sources relate to non-Jewish landlords, but some discuss Jews (including Divrei Yatziv, OC 78), and the basic sources do not distinguish.)

In certain cases, another factor arguably plays a role. The *gemara* (Bava Batra 26b) says that a community may not take down a *shul* before they secure its replacement. This is beyond the matter of *kedusha*, as it applies even if they are just renovating the *shul* for future improved use (see Mishna Berura 152:2). Rather, it is a matter of concern that the community, for a short or possibly a long time (see *gemara*) will be without a proper *beit kneset*. One might have argued that this concern should prevent a landlord from closing a *shul*, if there is no proper alternative.

The Mishna Berura (152:3) cites the opinion of several *Acharonim* that a community that rents a *beit kneset* may not leave the rental before securing a replacement location. They speak of the permissibility of the community’s steps, not the landlord’s. One cannot infer that there is no prohibition on the landlord because the context of this halacha’s primary source (the Eliya Rabba 152:1 in the name of the Nachalat Shiva) is of a non-Jewish landlord, who obviously has no obligation to be concerned about *batei kneset*. Nevertheless, since the community is obligated to search for alternatives to rental shuls, the concern need not fall on the landlord. Understand that landlords cannot evict a tenant without giving sufficient opportunity to find an alternative (Shulchan Aruch, CM 312:5). Once the community is forewarned, they are obligated to find an alternative, such as building their own shul (may be preferable) or finding another rental location.

That being said, there may be circumstances where at least the spirit of the law would require giving a community an especially long warning period to ensure their ability to find an alternative *beit kneset*.



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Ein Ayah

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

A Return to Full Grandeur after Death

(condensed from Ein Ayah, Shabbat 2:39)

Gemara: Another explanation of the *pasuk* “I praise the dead, who already died” (Kohelet 4:2) – it is as Rav Yehuda said in the name of Rav. That which it says, “[Hashem], do for me [David] a sign for good, and my enemies will see and be embarrassed” (Tehillim 86:17). David said before Hashem: “Master of the Universe, forgive me for that sin [Batsheva].” Hashem said: “It is forgiven.” David said: “Do for me a sign [of the forgiveness] during my lifetime.” Hashem said to him: “During your lifetime I will not make it known; in the lifetime of your son Shlomo, I will make it known.”

Ein Ayah: Sin makes an impact upon a person that prevents him from becoming elevated to the point that he was previously capable of according to his aptitude for sanctity with good attributes and a spirit of giving. Therefore, the main part of being forgiven by Hashem is that his heart will be prepared to accept the good light of wisdom and justice the way it was prepared to before the sin.

Besides the innate level of the spirit, another matter of interest is the level of impact that a person of stature can make on the status of goodness and justice in the world. A righteous person has an impact not only through his actions, but also his grandeur makes an impression on the external world, which can give the world crucially needed merit. The greater the person’s righteousness, the greater his impact on the external world. That is why David Hamelech was not satisfied with the simple forgiveness for the sin in regard to the restoration of his inner spiritual strength, including *ruach hakodesh* and the light of Hashem and the joy of His salvation. Rather, David wanted a sign, or, in other words, that his positive impact on others would recover from the period during which it was flawed to its level before the sin. That way he could once again cause people to do good and fill each person who spoke of him with a spirit of sanctity.

In fact, it is impossible to return someone to the highest level during his lifetime, for it is impossible to fully appreciate someone when he still alive. Only after he has moved on is it possible to make a clear calculation of his actions in the world and his surroundings. The longings for one who is no longer among the living function to remove the disregard that entered people’s minds due to his sin, as repentance does not automatically remove the negative impression. That is because repentance can be accepted by pure intellect, but one’s feelings cannot fully appreciate its value.

The longings of the members of the righteous person’s generation after his death are an antidote for the disease that prevents the imagination from realizing the true value and strength of repentance. After the death of one who repents, full value will once again be restored in the world’s eyes. That is what the *gemara* hints at when saying “During your lifetime I will not make it known; in the lifetime of your son Shlomo, I will make it known.”

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of those that fell in the war for our homeland.



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Testifying in Non-Jewish Court

(based on Shut Chatam Sofer, Choshen Mishpat 23)

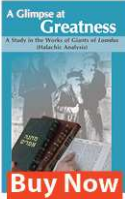
Case: A Jew litigating in non-Jewish court subpoenaed an important rabbi to testify under oath against another Jew. If he testifies, money may possibly be extracted without two valid witnesses. If he refuses, he is likely to cause a *chillul Hashem* and be punished. What should he do?

Ruling: The *gemara* (Bava Kama 113b-114a) says that one may not testify in non-Jewish court when they extract money based on a lone witness, but as one of two witnesses, he may. The *gemara* then asks whether an important person, to whom the courts give credibility like two witnesses, is forbidden to testify for that reason or whether it is permitted because it is difficult for such a person to get out of testifying. The *gemara* leaves the question unsolved (*teiku*). The Ra'avad seems to set the halacha in the following way. In a case where it is not clear how the courts will accept the testimony, we say that there are multiple reasons to allow the testimony: 1) the *gemara* does not come to a conclusion; 2) it is possible that the testimony will not be given too much weight; 3) he may be forced to swear that he does not know testimony, and it is forbidden to swear falsely.

The Ramah says that such a person should not testify, but if he did, he is not disciplined. However, that may only be referring to a case where they will definitely accept his testimony alone. It is also clear that the Ramah agrees that one does not swear falsely to save someone from the consequences of his testimony. According to some versions, it depends whether the witness was singled out to testify, in which case there is a *chillul hashem* if he refuses to come. However, it seems clear that the whole *gemara* is talking about a case where the person was demanded to come and not when he just considered volunteering.

We should look into the logic of the whole matter. Since witnesses who are not causing undue damage (i.e., two witnesses) are permitted to testify, why is it forbidden for one witness who knows the truth to testify honestly? The only thing he is doing is preventing someone from extracting himself from an obligation! The Mordechai is careful in his language in saying that we censor him for the chutzpa of going against the rules of *beit din*, who do not let him testify because they do not know he is telling the truth. We use the working assumption that the litigant does not owe money in regard to censoring him for his action but cannot extract money from him for causing damage to the litigant because we do not know his testimony is wrong.

If we have someone who is important in the eyes of the non-Jewish courts but not known by *beit din* for his honesty, we may not let him testify. However, there is a concept of knowing that a person is totally honest (see Ketubot 85b). It is true that we cannot treat that person like two witnesses. However, we can trust him to tell the truth to the extent that we would allow him to testify in the non-Jewish courts and avoid *chillul Hashem*. Also, if he is compelled to swear, he may do so, obviously truthfully. The only caveat is that if the court obligates the litigant more than it should, based on his testimony, he must pay from his pocket for the damage he caused the litigant even though he was coerced into the situation. That is because while one may save his life at the cost of his friend's money, he must pay his friend afterward.



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