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HEMDAT YAMIM

Parashat HaShavua

Vayeira, 31 Cheshvan 5776

Chazal Divulged; What About Us?

Harav Yosef Carmel

There are many anonymous characters throughout the stories found in *Tanach*. We will mention a few of these cases, including one from our *haftara*.

When Yosef was looking for his brothers, he met someone along the way with whom he discussed their location (Bereishit 37:15). The Torah gives no indication of who this "man" was, but *Chazal*, and in their name, Rashi, say that it was the angel Gavriel. In the desert there was an unnamed man who desecrated Shabbat (Bamidbar 15:32). We will discuss his identity later. Hashem sent a prophet to confront Yeravam for building the altars and the golden calves in Beit El and Dan (Melachim I:13:1), and the *navi* does not divulge the prophet's identity. *Chazal* tell us that it was Ido Hanavi. In Divrei Hayamim (II:25:15), Hashem sent an unnamed prophet to rebuke the king, Amatzia, and *Chazal* tell us that it was Amotz, Amatzia's brother, and the father of the prophet Yeshayahu.

In our *haftara*, we read about the miraculous resuscitation of the young son of the woman known as the Shunamit. Nothing is told of who the child was and what became of him later. The Zohar says that he became the prophet Chavakuk, a name that hints at Elisha's prophecy to the Shunamit that a year from the promise she would be embracing (*choveket*) a son. It also points out that he was held close not only by his mother but also by Elisha when he was bringing him back to life.

The interesting dispute between *Tannaim* about the identity of a certain sinner illustrates different approaches to revealing the identity of those whom *Tanach* does not divulge. Rabbi Akiva (Shabbat 96b) says that the man who desecrated Shabbat and was executed in the desert was Tzlufchad, the father of the famous women who asked to inherit their father's portion in *Eretz Yisrael*. Rabbi Yehuda ben Beteira attacks Rabbi Akiva's approach with the following logic. If it is not Tzlufchad, then it is defaming an innocent man, and even if it is him, what right does Rabbi Akiva have to divulge that which the Torah chose to keep a secret?

If one looks into the matter, it is clear that Rabbi Akiva felt that it was fully legitimate to decipher and divulge that which the Torah left vague. In fact, even according to Rabbi Yehuda ben Beteira, it is possible that if not for the problem of speaking negatively about the sinner, it would be fine to say who an anonymous character is. Going through the other cases we mentioned and many others, we find *Chazal* consistently trying to identify people and other pertinent details that are not spelled out in the Torah text.

At Eretz Hemdah, we approach *Tanach* with an eye for looking for hints about all sorts of hidden details. In doing so, we use that which *Chazal* taught specifically and that which they taught generally about how to go about this task. We pray to Hashem that we will succeed in learning *Tanach* with no less depth and intensity than we use for analyzing the intricacies of monetary law.

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Ask the Rabbi

by Rav Daniel Mann

Delayed Chanukat Habayit

Question: We moved into a new house four months ago. Are we still obligated to make a *chanukat habayit*, or have we missed the opportunity? What does the obligation entail?

Answer: Besides house-related *mitzvot* like *mezuzah* and *ma'akeh* (fence for roof), there are two practices regarding a new house.

The *mishna* (Berachot 54a) says that one who builds a new house or buys new clothes should recite *Shehecheyanu* (see also Shulchan Aruch, Orach Chayim 223:3). The same is true for purchasing an existing house (Mishna Berura 223:11). Yet, as we know and as has been reported for centuries, many people do not recite *Shehecheyanu* on a new house. It is hard to know to which halachic factor(s) to attribute this phenomenon (assuming it is not just lack of awareness), but we will mention a few.

Tosafot (Sukka 46a) cites (and is among many who argue on) Rav Shriria Gaon, who says we do not follow the *mishna* due to the rule that *Shehecheyanu* is only for cyclical events. Some suggest that worries about financing take away from the necessary *simcha* (see opinions in Yalkut Yosef, Sova Semachot I, p. 487). Timing may be an issue, as the *mishna* talks about reciting at the time of buying, but the house may then be unfit for inhabitation, either for pragmatic reasons or possibly if it is missing *mezuzot* (see R. Akiva Eiger, on Shulchan Aruch, *ibid.*). However, one should still be able to recite *Shehecheyanu* at the time he enters the house. The proper *beracha* is not clear, as there is a *machloket* whether *Shehecheyanu* or *Hatov V'hameitiv* (a variation, when there are multiple beneficiaries) is appropriate when a family unit acquires the house (see Be'ur Halacha *ad loc.*). However, when in doubt between the two, *Shehecheyanu* works (*ibid.* 4).

There are also significant opinions that *Shehecheyanu* is a *mitzva* but not an obligatory *beracha* (see Magen Avraham 225:6). Therefore, one should not feel he is sinning if he follows the many who do not recite *Shehecheyanu* over their new home. Certainly, when several months have passed since moving in, it might even be too late for *Shehecheyanu* (although this is not certain – see Halichot Shlomo I:23:13). However, you can “cover your bases” by using the idea of making *Shehecheyanu* on a new garment with intention for the house as well (see Be'ur Halacha to OC 22:1).

You are apparently asking about the *seudat hodaya* (thanksgiving meal) in honor of the occasion, which we call a “*chanukat habayit*.” This is clearly a *minhag* rather than a halachic obligation, and it does not have explicit classical halachic sources. Yet, many sources give it basis and significance, including the following. The Torah (Devarim 20:5) instructs to send home from battle one who built a house and did not “inaugurate it.” We see that beginning to live in the house is a very significant event, and therefore many *poskim* consider it fitting enough for celebration for it to be a *seudat mitzva*. There are strong sources that both the war-time halacha (see Yerushalmi, Sota 8:4) and the importance of the *seuda* (see Magen Avraham 568:5) are only on houses in Israel. Indeed, among *Ashkenazim*, such *seudot* are far more prevalent in Israel than outside it. The more focus there is on Torah and thanks to Hashem, the more meaningful the *seuda* is (see Yam Shel Shlomo, Bava Kama 7:37), but there there is no specific necessary structure. If the main thing is to thank Hashem and no *berachot* are made at that time, there is no statute of limitations on the celebration. Although generally, diligence is a virtue, it is natural to wait for things to settle down and perhaps wait for key people to be around, and four months is not unusual.

There is a more Kabbalistically-oriented approach, which is more prevalent for Sephardim. One makes the *seuda* on the day he moves into the house. While also having an element of thanksgiving, this is more focused on the right spiritual start to enhance the family's success in the house. Some great rabbis, such as the Chida, composed set orders of things to do, learn, recite (see Chanukat Habayit (Mark)).



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Ein Ayah

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

Positive or Negative Outlook on the World

(condensed from Ein Ayah, Shabbat 2:95)

Gemara: [We saw last time that there are apparent contradictions within Kohelet. The gemara now starts listing some of them, along with solutions to the contradictions.] In what way are [the sayings of Kohelet] self-contradictory? It says, "Anger is better than laughter" (Kohelet 7:3), and it says, "About laughter, I said that is praiseworthy" (ibid. 2:2). It says, "I praised happiness" (ibid. 2:15), and it says, "What is happiness there for?" (ibid. 2:2).

Ein Ayah: The foundation of all the moral ideas depends on the manner in which one looks at life – with a positive or a negative eye. It is possible for life as it is to find favor in the eyes of the beholder, from a physical and a spiritual perspective. If so, the person's moral approach and his sympathetic way of acting toward society will impact his philosophy. If, in contrast, one looks at life in his times with a harsh, critical eye, then he will find that his internal moral approach is full of antagonism to society. Such a person will go about trying to improve matters with anger and by discrediting existing structures.

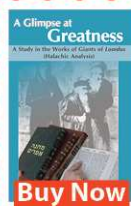
Therefore, the contradiction in Kohelet illustrates an extreme contrast in the correct approach to one's desired internal emotions. It is worthwhile to take a look at life and determine whether there are more good and enjoyable things or more bad and saddening things. This exercise can be done in two realms: the ongoing and the occasional/unusual situations.

There are times that the problems that arise on an ongoing basis take away the positive aura from life, but one can still have special times and circumstances that make those elements of life special and justify happiness. It is also possible to have the opposite scenario: generally, life brings satisfaction, but there are times in which wisdom declares that the bad and bitter justify one being sad or angry. The contradictions in Kohelet are in regard to these fundamental points.

It is not possible for a person to be in a state of laughter on a consistent basis. Rather, it can come when one is exposed to something that is unusually gratifying. Similarly, it is not natural for one to be angry on a consistent basis. Rather, one is liable to become angry when certain particularly upsetting things which conflict with his internal desires occur. That is the reason that anger and laughter are the parallel and opposite possible reactions to extraordinary situations.

Happiness is something which can and should be in one's emotional makeup on an ongoing basis. Therefore, whether it exists or is missing depends on how one should view the situation that exists normally. How great is the contradiction in Kohelet about these two elements of outlook on life. One is whether wisdom dictates that life contains more, qualitatively and quantitatively, upsetting moments that warrant anger or more positive and uplifting moments, which dictate laughter. On this point, there are apparently contradictory *p'sukim*. Similarly, we have a *pasuk* that says that happiness in the face of the normal flow of life is correct and another *pasuk* that indicates that there is not enough good on an ongoing basis to justify a consistent state of happiness.

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(based on Shut Chatam Sofer, Choshen Mishpat 142)

[The question was asked by a rabbi whom the Chatam Sofer addressed in glowing terms, but his name and identifying details are understandably left out due to the harsh nature of the response.]

Case: Reuven gave a house to his wife, Sarah, as a present and had the present registered with the government. Sarah then wrote a legal will that contradicted Torah law by giving her property to her relatives rather than to Reuven. *Poskim* (Rashba, see Rama, Choshen Mishpat 369:11) generally disregard such wills. However, this case may be different for three reasons: 1. Reuven showed his regard for the legal system by using it in giving Sarah the house (see Shach 73:39). 2. Sarah's relatives already have control of the property since the government has already written it in their names. 3. One of the cases in which *poskim* agree that *dina d'malchuta dina* (the law of the land is binding) is where the government has an interest in the matter at hand, and since in our place the government takes a part of inheritance in taxes, they have a part and thus authority in it. Thus we should follow their laws including the will she wrote.

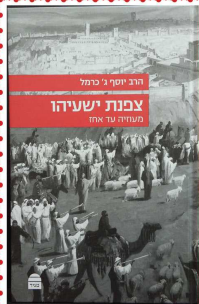
Ruling: It appears to me that the esteemed querier is a litigant in this matter and therefore is unable to see that which is to his detriment and thus came up with ideas that have no value.

First we should point out that the fact that Reuven gave a present to Sarah does not mean that he removed inheritance rights to that property, unless he said so explicitly. Otherwise, it is hers in her lifetime and his through inheritance like any other property that she had. Therefore writing it over with legal documents is not a sign of relinquishing inheritance rights. The referenced Shach was only saying that such a legal document is also halachically considered a document, not that it obviates Torah law.

The Rivash (52) does say something along the lines that a society in which the Jewish community follows the law of the land, as opposed to Torah law, is bound by those rules. However in addition to the fact that the Tashbetz (I:61) attacked that position, that was talking about very specific circumstances including that it was in Mayorka (a Marrano-like community). Although the Rama (CM 248:1) accepts the Rivash, it is because he did not see the Tashbetz (see K'tzot Hachoshen 248:3), and anyway that case is a limited one.

The idea of the relatives' control (*muchzakut*) is not significant because that applies only to cases where there is a halachic doubt, which is not the case here. In any case, control due to the fact that it is registered by governmental law is not *muchzakut* in a case where by Torah law it is determined to be owned by Reuven automatically with Sarah's death.

The matter of the king's involvement is also not relevant. It is true that with regard to the king's rights, his rules are to be followed, but the adjudication is not about the king's part. It is in regard to the part that stays with the inheritors that there is a dispute who should inherit, and in that regard, the king has no interest or power to overrule Torah law.



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