



HaRav Shaul Israeli zt"l  
Founder and President

# HEMDAT YAMIM

## Parashat HaShavua

11 Elul 5777 Ki Teitzei

**You Wipe Out and I Will Wipe Out**

Harav Shaul Yisraeli – based on Siach Shaul, p. 523 ([address from 1944](#))

We find two *p'sukim* in the Torah about wiping out Amalek: "You [Bnei Yisrael] shall wipe out the memory of Amalek" (Devarim 25:19); "I [Hashem] will certainly wipe out the memory of Amalek" (Shemot 17:14). There seems to be a contradiction as to who is responsible to rid the world of Amalek – Bnei Yisrael or Hashem? The Tanchuma (Ki Teitzei 11) answers that until Amalek raises his hands against the divine throne, Hashem leaves it to us; afterward, Hashem takes the matter into His own hands. In explaining how a human can raise his hands against the divine throne, the *midrash* answers that this is by destroying Yerushalayim.

Amalek's strength is in his sword, in battle. Amalek seeks to nullify the significance of the spirit and to belittle it. War is his weapon, and we are to smite him with his own weapons. We are to show him that the power of the book has a positive impact even on our ability to hold the sword – "You shall wipe out."

Yet there is another intention. Some see this commandment as inconsistent with the attribute of mercy that we are supposed to have. The Torah is coming to instill in us that just as mercy is critical, so too, for the world to survive, there must be cruelty against the foundations of the corrupt. Misplaced mercy is itself the greatest cruelty. Do not think that if one shows Amalek the beauty of the Torah, he will be inspired to change his ways. This is a total mistake that will just boomerang back against us.

Therefore, "wipe out" without questioning or distinguishing. Amalek does not hate us because we lack a land. The Torah tells us that even when we are secure in our Land, the battle against Amalek will be very relevant. The more successful we will be, the more he will hate us.

On the other hand, the Torah is teaching us to remember that the battle against the forces of evil cannot be won with our own strength. At the end of the day, just based on nature, the expert of the sword will naturally defeat the expert of the book, no matter how much we practice military tactics. We must enlist the divine spirit which gets involved in all areas of life – the divine providence that is in every phenomenon. Wickedness is only one of the passing phenomena that Hashem deals with – "I [Hashem] will wipe out."

This is what Yehoshua should be told. Without knowing the Hand of Hashem is involved, he will not succeed. He is fighting a nation that is brought up with militarism from the cradle, to whom success on the battlefield and having dominion is everything. We are missing all of that. We are missing the ambition to win at war; we did not drink that in our mother's milk. We did not learn to march to the beat of military songs. We cannot win unless we add to our strength, specifically by recognizing the divine correctness of the battle – "Hashem will wipe out." It is a mistake to think we will win by relying on our strength and that we will do better if we forget that Hashem is behind us.

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**Those who fell in wars for our homeland. May Hashem avenge their blood!**



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# Ask the Rabbi

Ki Teitzei

by Rav Daniel Mann

## Reflecting on a Socio-Religious Trend

**Question:** I ask myself – What religious trends have I been noticing, both through questions received and by observation, and what is our reaction toward them?

**Answer:** There are crucial but obvious halachic and/or social issues in the forefront of rabbinic and community discussion. We do not consider this the correct forum to “throw our hat into the ring.” However, there are many “harmless” new or expanded religious practices that are a sign of trends with common roots. Identifying those roots and considering a basic strategy toward them (there are different legitimate ones) help the community and the individual react deliberately to practices that have and will arise.

We will focus on the types of practices that have begun to arise by those who strive for healthy (not extreme) religious excellence. One trend is the use and pursuit of *segulot*. For example, over the last 10-20 years, the *chatan*, *kalla* and *sandek* have become among those before whom one is expected to line up to receive *berachot* like a *Chassidische Rebbe*. (Previously, we simple people would bless the *chatan* and *kalla*.) *Tzedaka* organizations encourage donations because THE right holy people will *daven* THE best *tefilla* at THE best place at THE best time for us. (Almost forgotten are the *mitzva*, the important cause, the steps to prevent needless overhead, etc.)

Another trend (which is not new, but is in some ways is intensified) is the focus on the individual. We are not talking about selfish people, as many are true *ba'alei chesed* and work for the community, who just want to do the “best thing.” Here are a few examples of such practices that are new, picking up steam, or expanding to new communities: Breaking up a *minyan* so two *aveilim* can be *chazan*; a *chazan* using his own *nusach* in a *shul* with a set different *nusach*; asking for *haftara* semi-regularly during the year of *aveilut*, *minyanim* in which people come late, *daven* at their own speed without skipping, and thereby there is a questionable quorum for *Shemoneh Esrei* and *chazarat hashatz*.

Without going into the details of such specific issues, we see overlap between the trends. “I believe my *nusach* is better (for me), so the *tzibbur* should accommodate me.” “I need to provide my parent with the most effective *illuy neshama*, so the *shul* should sacrifice to accommodate *aveilim* in ways not traditionally prescribed.” “The *Beit Yosef*’s angel said that skipping is detrimental, so we no longer follow the *Shulchan Aruch*’s rules meant for a *minyan* to be a cohesive communal *davening*.”

Our approach is that while proper balance is always important, the rule is that the needs and preferences of the *tzibbur* come before those of the individual (see *Living the Halachic Process*, I:H-3). In matters where diverging from community norms can cause discord, even when that outcome it is not obvious, the *sugyot* of the 4<sup>th</sup> *perek* of *Pesachim* are strictly against an individual’s divergence. This is often even at the cost of religious preferences for the individual (see *Mishna Berura* 468:23). Furthermore, we believe (as often expressed beautifully by Rav Kook, including in *Ein Ayah*, *Berachot* 1:89) that the individual’s *avodat Hashem* should be focused on improving the community’s spiritual state. While the ultimate level of community is of *Klal Yisrael*, in one’s personal life, his local community represents his *klal*. It is true that a community should be concerned about the feeling of fulfillment of individuals. However, it is more fundamental that the individual not allow the fine points of his personal quest, even for the apparent spiritual advantage of his departed parents, to compromise what is healthiest for the community. Some *segulot* are positive ... but when they do not impinge upon others.

Pursuing real Torah values, as set out by *halacha*, should define our practices. Of course, every issue that arises should be handled in a manner that seeks to avoid *machloket*. The community should remember this, but *halacha* says that the obligation to avoid *machloket* makes greater demands on the individual.



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# Ein Ayah

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

## Perfection Near Leaders, Not of Leaders

(condensed from Ein Ayah, Shabbat 5:41)

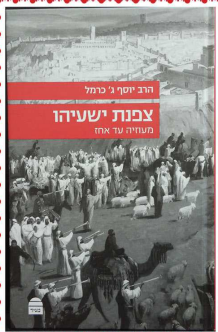
**Gemara:** Four people died due to the plot of the [biblical] snake (i.e., without sin), and these are the people: Binyamin, the son of Yaakov; Amram, the father of Moshe; Yishai, the father of David; and Kilav, the son of David.

**Ein Ayah:** The internal power of the historical developments of Israel and its historical completion certainly are without sin and flaw. This is as the *pasuk* says: "All of you is beautiful, my beloved, and there is no blemish in you" (Shir Hashirim 4:7). When the national "life" is being lived in actuality, there must be some involvement with sin, because that is the state of actual life, which cannot remain in "sterile laboratory conditions." However, the foundation of the activity and its general completing piece can represent absolute righteousness. For this reason, the last of the Tribes of Israel, "the tribes of Hashem, who give testament to Israel" (Tehillim 122:4), Binyamin, the son of Yaakov, could be without sin. As the one who completed the unit that formed the nation, Binyamin did not sin and was affected by sin only in order to set boundaries for the extent of righteousness.

The source for the situation of an actual nation that has special innate characteristics cannot be typified by absolute spiritual cleanliness. To the contrary, the good needs to come from the depth of the evil. "On the other side of the river did your forefathers live for a long time ... and they worshipped other gods" (Yehoshua 24:2). "From a distant place, Hashem drew you close" (Zohar, Emor 98:2). However, at a later stage, when it comes to the internal workings of the Torah, we have to make a distinction. In the actual world of activity, there will always be some element of sin lurking around, even taking hold on the transmitter of the Torah, Moshe Rabbeinu, as the *pasuk* says: "They became agitated at The Waters of Discord, and bad happened to Moshe because of them" (Tehillim 106:32). However, at the source from which Moshe came, before he came into being, there was absolute goodness in Moshe's father, Amram. Amram's only limitation was that he was affected by the universal impact of the snake.

The same is true of the Household of David, which gives the complete character to the nation. There is a perfect goodness that is embedded in the household's essence. Even though when the kingdom operated, it was not possible to exclude elements of evil in the energies that surround the post of the king, its root was totally good. This came about through Yishai, the father of David.

As we have discussed, while the goal of the Kingdom of the House of David was certainly to embrace the highest possible goodness, this goal cannot be reached until the time of the End of Days. This eventual perfection was hinted to us by the sapling that emerged from David, who reached a level of perfection in action and thought. Kilav, the son of David, was able to overcome all the shortcomings that must exist when a kingdom operates in a world of activity that is full of pitfalls. About Kilav, it was said: "My son, you are wise, and it makes my heart happy, and I will be able to respond to those who curse me" (Mishlei 27:11). Kilav had the spiritual form of the House of David in a complete theoretical manner, one which will take over in practice only in the Days to Come. This is the complete image of David, which Hashem is destined to establish, as it says: "And David, my servant, will be the leader forever" (Yechezkel 37:25).



### 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

## End of a Rental

(based on ruling 75002 of the Eretz Hemdah-Gazit Rabbinical Courts)

**Case:** *Pl* has been renting an apartment to *def*; the rental was set to end on 30/9/2014. *Def* claimed that the two agreed orally that he would continue to rent until after the Tishrei holidays. The first hearing dealt only with vacating the apartment. It was decided that if *def* would pay *pl* 6,000 shekels by 10/12/2014, he could stay until 31/12/2014, and he did pay. The contract states that rent is 6,000 shekels if *def* pays by the first of the month for the coming month, and after that point, the rent is 7,200 shekels. Due to financial problems, *def* paid only until the end of July, and *pl* let him stay at least until the end of Sept., but, according to *pl*, he was supposed to leave at that time. *Pl* demands 400 shekel a day from that point on due to a contract provision that sets this as rent for unauthorized occupancy. Also, *def*'s checks for *armona* (municipal tax), whose account is still in *pl*'s name, bounced. *Def* made counter-claims due to flaws in the apartment, to which *pl* responded that it was a brand new apartment, which *def* got at a good price, and certain flaws that need to be fixed are to be expected.

**Ruling:** *Def* does not have to pay 400 shekel a day for late vacating because such payments are penalties intended only for cases where there is a clear, final order for the tenant to vacate, not when the landlord simply states a preference that he finish. During the first two months after the end of the contract, the original conditions stand unless changed, and since *def* did not pay on time, according to the strict law, he must pay 7,200 shekels a month for three out of the last four months.

However, there is room for compromise in this case due to the nature of the provision of different rental rates. This unusual provision is clearly to encourage *def* not to be late with payment. Usually the provision includes interest and penalties for late payment. The system *pl* employs has advantages regarding the law of *ribbit*. However, the 1,200 shekel difference for a small late payment does not seem like one that corresponds to the financial gain/loss of the two sides. Therefore, *beit din* will employ compromise in setting the correct price for the months in which *def* paid late. The reduction based on compromise is on condition that, with all the difficulty, *def* will pay the 30,276 shekels that *beit din* is ruling that he owes, within the time allotted. If he does not vacate by 31/12/2014, he will indeed have to pay 400 shekels a day after that point.

*Def* will not receive a discount on the rent due to the apartment's flaws. The flaws were not significant. They did not affect the experience of living in the apartment. They were also not unusual, certainly for a new apartment, and they were fixed within a reasonable amount of time. The fact that *def* paid regular rent after the problems were uncovered also shows that even if there could have been grounds for a reduction on rent, *def* was *mochel* them.

.....  
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