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HEMDAT YAMIM

Parashat HaShavua

Noach, 4 Cheshvan 5778

Behind Every Great World Leader ...

Harav Shaul Yisraeli – from Siach Shaul p. 16-17

The *midrash* (Bereishit Rabba 30:9) says on “in his generations” (Bereishit 6:9) that according to Rabbi Yehuda, if Noach would have been in the generation of Moshe or of Shmuel, he would not have been considered a *tzaddik*. According to Rabbi Nechemia, in those generations it would have been even clearer that he would have been a *tzaddik*.

Let us explain the matter by looking more closely at the comparison to Moshe and Shmuel. The approach of these two great men was very different from that of Noach. Noach’s whole generation was corrupt, and he and his whole family remained on a high spiritual level, as we see that all of them received a prophetic message (see Bereishit 9:8). In contrast, Moshe and Shmuel sacrificed themselves for their nation, but Shmuel’s sons did not follow his path (Shmuel 8:3) and Moshe’s sons did not come close to his level. The *midrash* [editor- we did not find the exact source] attributes the failure of Shmuel’s sons to the fact that Shmuel was so occupied with the needs of the public, and it is likely that the same is true of Moshe’s sons. Thus, we are talking about a sacrifice of leaving one’s children largely “unattended” in order to save the generation.

In the case of Noach, while we do find criticism of Noach for being underactive in dealing with his generation, he still had the merit of creating the bridge to the rebuilding of the world. Thus, he had elements that deserve our praise and elements that deserve our scorn.

If we compare all of the above to Avraham, we will find that he merited having success in both spheres. On the one hand, he had the “souls that he made in Charan” (Bereishit 12:5). On the other hand, he had success in raising his successor, Yitzchak.

If we want to pursue the reason behind these distinctions, it would seem that the difference between Noach and Avraham was their wives. Sarah and Avraham are introduced as a spiritual team. The matriarchs are parallel to the patriarchs: “Avraham converts the men, while Sarah converts the women” (Bereishit Rabba 39:14). In contrast, Noach’s wife is anonymous; neither her name nor her actions are revealed to us. Apparently, there was nothing about her that was worthy of honorable mention. While Avraham could give over his *chinuch* responsibilities to his wife, Noach apparently could not, and that took away from Noach’s ability to impact on others to his full potential.

It is clear that Shmuel could only become who he became because of his great mother, Chana. We do not know a lot about his father, Elkana, and we know nothing about Elkana’s other children from his other wife. It was Chana who prayed for the child, who shaped his character, and who filled him with deep spirituality with her “lullabies.” Shmuel did not merit to have a wife as great as his mother, and therefore his children did not turn out as they should have.

It is not that we just need great men; we need great women. We need more Chanas if we have hopes of more Shmuels.

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Ask the Rabbi

by Rav Daniel Mann

The Nature of the Fulfillment of the *Mitzva* of *Mezuzah*

Question: I will be moving into a home that already has *mezuzot*. If I just leave them there, do I fulfill the *mitzva* of *mezuzah*, or must I remove and/or replace them? In general, when/how does one fulfill the *mitzva*: by affixing them, by having them in the house, by kissing them, or by thinking about them?

Answer: Much of the material on this topic concerns a statement by the Magen Avraham (19:1). He wonders why no *beracha* is made when one attaches *tzitzit* to a relevant garment (i.e., because the *mitzva* is not complete until one wears the garment), and yet there is a *beracha* when one attaches a *mezuzah* to a doorpost (i.e., even though the *mitzva* is living in such a house). His answer is technical – one normally attaches *mezuzot* when he starts living there, so that he does fulfill the *mitzva* at that time, whereas one normally attaches the *tzitzit* before he wears them. So the Magen Avraham assumes that the *mitzva* is to live in a house that has *mezuzot*, not to attach the *mezuzot* to the doorposts. In fact, he says that if one put up the *mezuzot* before the obligation began, he would recite a *beracha* of "... commanded us to live in a house that has a *mezuzah*" upon entering the house to live.

One of his indications is the idea that *mezuzah* is "an obligation of the dweller" (Pesachim 4a), in other words that the *mitzva* is linked not to home ownership but only to living in it, i.e., in a house with *mezuzot*. R. Akiva Eiger (Shut I:9) apparently agrees, at least mainly, with the Magen Avraham (see Pitchei Teshuva, Yoreh Deah 291:4). He suggests that one who moves to a place where a previous occupant put a *mezuzah* would make a *beracha* upon entering, as would one who left his own place for a significant amount of time and then returned to it.

Many (strongly) disagree with the Magen Avraham, but this can be for more than one reason. Some object to the *beracha*'s wording, arguing that one cannot create a non-standard form of the *beracha* that is not mentioned by *Chazal* (Birkei Yosef, Orach Chayim 19:2). The Beit Shearim (YD 370) points out that the Magen Avraham is aware that one cannot make the regular *beracha* (... *likvo'ah mezuzah*), which refers to the action of attaching. He agrees with the Magen Avraham that there is a *mitzva fulfillment* as long as one lives in the house with a *mezuzah* but claims that the *beracha* was established for the action that begins the process. (There is much discussion, beyond our scope, among the *poskim* (see Yabia Omer, VIII, YD27) about the stage at which one can and should attach the *mezuzah*, e.g., as he moves in? when the house is prepared to be lived in? after he moves in?) However, there is close to a consensus (Rav Kook in Da'at Kohen 182 is a notable exception) that, irrespective of the matter of the *beracha*, the ongoing state of living in a house with proper *mezuzot* is a or the primary fulfillment of the *mitzva*.

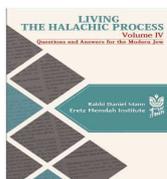
Therefore, one need not have regrets if he came into a house with pre-existing *mezuzot*. He has no need to act or make a *beracha*, just like he need not be disappointed if his house has relatively few doorposts that require *mezuzot*. Note that generally one who leaves a house in which he attached *mezuzot* should leave the *mezuzot* there (Bava Metziah 101b), and we do not find that this is unfortunate because it deprives the new occupant of an action/*beracha*. That being said, the Aruch Hashulchan (YD 291:2) does allow one who comes into a house with *mezuzot* to remove and have them checked, which according to some/in certain circumstances makes it proper to make a *beracha* upon returning them (see *ibid.* and Living the Halachic Process I, G-5). Yalkut Yosef (Mezuzah 92) suggests this; his father (Yabia Omer *ibid.*) did so regarding a case where one forgot to make a *beracha* when attaching them.

Thinking about the *mezuzot*, like thinking about any *mitzva*, is a nice thing. Some people have the practice of kissing the *mezuzah* to show affection for the *mitzva*/holy scroll. However, neither of them have anything to do with the fulfillment of the *mitzva*.

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.)

Different Ways to Connect the Holy and the Mundane

(condensed from Ein Ayah, Shabbat 7:1)

Gemara: Rav Huna says: If one is walking on distant routes or is in the desert and he does not know when Shabbat is, he counts six days and then observes one day as Shabbat. Chiya bar Rav says: He observes one day as Shabbat and then counts six more days [of presumed weekday]. What is the basis of their argument? One opinion follows the creation of the world, [which started with six days and ended with Shabbat]. The other opinion follows Adam, [who, being created on the sixth day, observed Shabbat right away and then had six weekdays].

Ein Ayah: Holy (*kodesh*) and mundane (*chol*) are interconnected. Without *kodesh* there is no value to *chol*, whereas the former elevates life to the level that the latter can be used in a proper way, as the mundane also contains sparks of sanctity. Generally, things follow a set pattern. The mundane exists, does what it needs to, and enables sanctity to shine upon it at the right time.

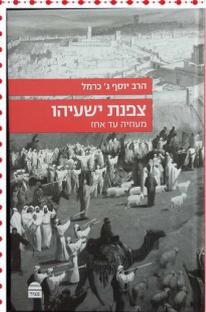
A person who is involved in all of this can be confident that the mundane can bring the sacred. This works as long as the individual goes along with society, as existence of the world gives spiritual expression to everything in the world, connecting things to the “general path.” Providence will not allow him to remain in the middle of the way, to be entrenched in *chol* without a prospect of its turning into *kodesh*. This is because “general sanctity” is prepared to shine on all around it at the right time, without the individual having to do something specific to reach it.

Someone who is separated from the activity of the community, for example, if his harsh conditions required him to embark on treks to isolated places, is in a different situation, which has two elements. The hidden character of his soul, as a member of the community and one who enjoys the spiritual advantages thereof, can take an approach that connects to general existence. He can follow the example of the creation of the world, in which *chol* came first and the light shone after the dark after *chol* prepared the way for it.

However, if one wants to be sure to be connected to sanctity, not only in terms of what he desires, but also in terms of practicality, it is dangerous to begin with the mundane. This is because he can get bogged down in the *chol* so that the light of sanctity will be totally hidden from him. If he is acting as an individual, he should follow the lead of Adam, who first was connected to Shabbat, and as a result, the subsequent *chol* was full of grandeur. He will thereby avoid sinking into the depths of *chol*, lacking the glory of *kodesh*.

Separation from being part of a group has its impact on a person by removing the assurances given to the community. This is the case whether he is forced to go on a lonely route or whether he purposely separates himself by going to a desert for its lifestyle, which enables him to avoid the complications of dealing with people of the prevalent cultures of the time, which prevent the life of sanctity from being revealed. Even in the latter case, where his intentions were nobler than those of the masses, such a loner does not have a strong assurance of success. For the greatest promise of spiritual success is in being connected to the whole unit. One then follows the established path instead of having to agonize over whether to take the path of putting the *chol* before the *kodesh* or the *kodesh* before the *chol* to ensure that the *chol* will be elevated.

“My foot stood on straight ground; I will bless Hashem in congregations” (Tehillim 26:12). “Hashem sat individuals in a house” (ibid. 68:7).



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

Pay for the End of the Employment Period – Part I

(based on ruling 76090 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The defendant (=def) is a company that advises those seeking home mortgages; def employed the plaintiff (=pl) for several months as spelled out in a written contract. Hourly pay was minimum rate but there were bonuses per case handled. Def provided its workers with extensive training about real estate, which, def reasons, justifies their clause restricting employees from working elsewhere in the field for three years subsequent to employment at def. Shortly after pl started working, def stopped paying salaries on time, with the claim of extreme illiquidity. They met with all the workers and tried to arrange an installment pay plan. This did not sit well with pl, who shortly thereafter sought alternative employment. Pl is suing for his last two months of salary (April-5795 and May-5457 shekels), for overtime and bonuses not received, and for withholding of pay up to the time of the *beit din* ruling (34,151 shekels). Def responds that they do not give overtime because they grant breaks during the workday very liberally. The bonuses not given relate to cases which pl did not see the matter through until receipt of mortgage. Def are countersuing for pl's refusal to follow def's instructions on helping the client, which they claim caused the loss of several clients. They also claim that pl gave a false report of hours for the last month. They also demand a return of the cost to def of the courses pl took, especially since pl is working elsewhere within the field (pl denies this).

Ruling: Back pay- It is agreed that pl worked fully in April and deserves full salary (pending discussion on damages for improper work). Regarding May, def agrees that the pay is correct according to the hours detailed by pl. Since the contract describes the process as the worker being believed regarding hours reported and since def did not prove otherwise, despite their suspicions, pl should be paid in full for May.

Overtime- Israeli law requires payment of overtime. Since the worker is receiving only minimum wage, it cannot be claimed that he receives extra to compensate for overtime that is not given. The claim that def is liberal with breaks does not eliminate the need to pay at all for significant amounts of overtime, which included in some cases, 14 hour days. Therefore, def owes pl 234 shekels for overtime.

Bonuses – The contract states that the worker is paid 25% of the money paid by the client to def and 35% if he brought the client to def. While the amount of work he needs to do to earn the bonus is not stated, logic is that it applies to doing all of the work needed for the client or at least the major part of the work. Based on the internal communications between the sides, it is clear that regarding the bonuses in question, pl did not reach that level of achievement, and therefore there are not grounds for bonus payment.

We continue next time with other issues.

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