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HEMDAT YAMIM

Parashat HaShavua

Matot, 24 Tammuz 5779

Two "Editions" of One Book

Harav Yosef Carmel

This week, the special *haftara* is from the beginning of the Book of Yirmiyahu. In order to understand the *sefer* better, one should realize that which we suggested in the past – that the *sefer* was written twice, as we shall explain.

Yirmiyahu was written in two periods of time, one after the other, following a traumatic event. The first period started in the 13th year of the reign of Yoshiyahu and lasted until the 4th year of Yehoyakim (22 years). The commandment to write the prophecies as a book is found in Yirmiyahu 36:1-4. The *navi* relates that in the 4th year of Yehoyakim, Hashem explicitly commanded Yirmiyahu to write a *sefer* of his prophecies from the time of Yoshiyahu so that maybe Bnei Yisrael would repent as a result. His cousin Baruch ben Neriya is the one who physically wrote the book. Then Baruch read the *sefer* in the *Beit Hamikdash* (ibid. 8). The public was apparently not overly impressed by the warnings, as Yirmiyahu remained in jail.

A few months later, Yirmiyahu was released from jail, and the people were very concerned about the ascendance to power of Nevuchadnetzar in *Bavel*. Baruch was once again called upon to read Yirmiyahu's warnings and calls to repent in the *Beit Hamikdash* (ibid. 10). This time there was more "buzz" from the messages. The righteous officials who remained from the rule of the righteous Yoshiyahu instructed Yirmiyahu and Baruch to hide to escape Yehoyakim's wrath. They took the "first edition" of Yirmiyahu's *sefer* and presented it to the king's palace, hoping that the warnings would have some influence over him. After listening to a few passages, the king ordered that the *sefer* be thrown into the fireplace and to arrest Yirmiyahu and Baruch. Miraculously they were not found, as "Hashem hid them" (ibid. 26).

In this miraculous hideout, the second period of the writing of *Sefer Yirmiyahu* began. It spans a period from the 5th year of Yehoyakim until after the exile of the people of Judea and Jerusalem to Babylonia. (The last event covered in the *sefer* is the release from Babylonian prison of the once king Yehoyachin, 37 years after he was exiled, or 43 years after this period of writing began.) This period of writing also is spelled out explicitly, as Yirmiyahu was told, after the king burned the first scroll, to take another one scroll. This new book included all that was in the first plus additional matters (ibid. 27-32).

The idea of two periods of writing is briefly alluded to in the opening to the *sefer*, as *pasuk* 2 mentions the words of Hashem at the time of Yoshiyahu, and *pasuk* 3 refers to the times of Yehoyakim until the final exile. There are also two personal charges that Yirmiyahu received. The first (1:4-12) speaks of how he was chosen from before birth to impact on the nations. The second one refers to the image of a cauldron facing north and the difficulties Yirmiyahu would overcome (ibid. 13-19). Let us pray that Yirmiyahu's consolation for us of Hashem's resolve to "build and plant" will be realized soon.

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Deans: Harav Yosef Carmel, Harav Moshe Ehrenreich
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Ask the Rabbi

by Rav Daniel Mann

Engagement Parties during the Three Weeks

Question: Is it permitted to make an engagement party during the Three Weeks (i.e., before Rosh Chodesh Av)?

Answer: Many of the *halachot* of the time before Tisha B'Av are based only on *minhag* and/or post-Talmudic sources. Engagement parties (in Modern Hebrew, *mesibat eirusin*) during this period are arguably mentioned in the *gemara*. The *gemara* (Yevamot 43a) after listing some prohibitions of the week in which Tisha B'Av falls continues that in the period before this, it is forbidden to marry but permitted to have *eirusin* without an accompanying *seuda* (meal). Talmudic *eirusin* is *kiddushin* (if you will, the "giving of the ring") which is the most halachically crucial part of marriage. It is permitted without a meal because it is assumed to not create an atmosphere of enough *simcha* to be forbidden (see Tur, Orach Chayim 551). The Shulchan Aruch (OC 551:2) codifies these *halachot*.

The Rama (ad loc.) points out that we are stringent not to get married during the entire Three Weeks, starting with Shiva Asar B'Tammuz. However, *Acharonim* point out that the *minhag* was not meant to apply all of the Nine Days' restrictions to the Three Weeks. In our context, the Mishna Berura (551:19) rules that one may have a *seudat eirusin* during the first part of the Three Weeks.

Does this permission to make a *seudat eirusin* apply only to halachic *eirusin*? The Mishna Berura (ibid. 16) permits a meal of *shidduchin*, which is what is called in some circles a *vort*, i.e., the sides sign a contract of monetary and moral obligation to properly prepare for and carry out the wedding. There is a *machloket* among *Acharonim* whether that *seuda* is a *mitzva*, with the stronger opinion being that it is (see Sha'ar Hatziyun 551:26; see also Dirshu 551:32). One can also discuss which type of engagement party – it is practiced differently in different segments of society and some have more than one party – is the one that counts. While one could argue that this too is more of a *mitzva* than just having an engagement party (see Rashi, Yevamot 43a), the Mishna Berura's language fits the following idea. While the element of *mitzva* sometimes permits even Nine Day prohibitions (see Rama ibid.), a *seudat eirusin* is permitted during the Three Weeks because it does not reach the bar of a joyous event that should be forbidden (see also Shulchan Aruch, OC 546:1). Therefore, the lower the event's level, the more likely it is to be permitted.

This, however, takes us to what one may do at the party. Even not in the context of a special party, we do not allow dancing (Magen Avraham 551:10) and music in the Three Weeks. Since, as mentioned, the permissibility of an engagement party is not the *mitzva* but the lesser festivity, there is no reason to permit these here (see Mishna Berura ibid. 16). Singing without instruments and without dancing is fine. If one has very simple food at the time of the announcement of the engagement, then many *poskim* allow it even during the Nine Days (Mishna Berura ibid.).

The final question is about appropriateness. There is (properly) sensitivity to planning especially happy events during the Three Weeks, even when they are not the type that are outright forbidden. (There need not be as much sensitivity regarding the *omer* – see Living the Halachic Process V, D-16). Therefore, we would strongly recommend (as is customary) to try to avoid this time for an engagement party or to keep it very simple. (In many cases, even if the principles are not bothered, there are guests who will frown on the matter. Rav E. Melamed actually forbade making such a party out of the house). In circles in which these parties are usually done soon after the announcement or if there is a short engagement, we think it is justified if there is little alternative. The same is true when there are strong familial considerations (e.g., parents traveled from abroad and will not be around later). However, when there is no strong reason to do it during the Three Weeks, the standard Jewish practice is to have such festive events at more appropriate times.

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Ein Ayah

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

Distancing Evil or Embracing Goodness

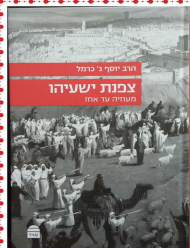
(condensed from Ein Ayah, Shabbat 9:51)

Gemara: On the sixth day [the Torah was given]. Sixth day from what? Rava said: From the day they encamped at [the Sinai desert]. Rav Acha bar Yaakov said: [The sixth day] from commencing their travel [from Refidim].

Ein Ayah: There are two general apparatuses through which a nation or an individual can prepare themselves for the divine light and pleasant aura to take hold upon them. One is purity, which is achieved when people remove themselves from evil, unseemliness, weakness, and lowness. The deeper the desire to escape from the place in which Bnei Yisrael experienced weakness, such as lack of resolve to connect themselves to Torah and all that is good, the greater the degree of blessing of Hashem that would come upon them, bringing them ever closer to the divine light. According to this characteristic in the heart of man, the main action one takes is to move away from the weakness (which *Chazal* attribute to the encampment of Refidim, which shares a root with the word for weakness). Diligence and strength are blessings of Hashem, especially as one steadily increases in diligence. This occurs when one uses his diligence more firmly to embark upon goodness by distancing himself from weakness that is contradictory to the power of sanctity. It is possible to think that when one truly recognizes the destructive element of that which is spiritually unseemly and is a sign of weakness of resolve, he immediately reaps the benefit of leaving evil, and all the preparations for good are in place. However, this is not so. Rather, continual steps need to be taken to climb in levels of sanctity. This is represented by counting the days going forward from when they arrived at the good encampment at which the spirit of Hashem was imbibed and where the power of good could grow and be strengthened. The number of days shows the extent of levels of improvement in the height and depth of goodness.

Once Bnei Yisrael traveled from Refidim, the place at which their hands were weak in Torah and they fell into conflict (see Shemot 17:7), to come in agreement to the mountain of Hashem with thoughts of sanctity and of repentance, with unity and peace, they already had a way to note that the day of receiving the Torah was coming. The second approach, though, posits that leaving the bad place was on the same day as coming to the new, good place, and indeed it was done with immediacy and an air of skipping straight to the destination. The light of repentance emanates from that lofty secret within which time and that which is related to it, as well as gradual development and that which is related to it, have no place. That is why according to this approach, the counting comes from the time of encampment and not from the traveling. This is, after all, the place where the blossoming of “the flowers of sanctity” occurred to the point that the “fruit” emerged on the sixth day.

Rav Acha bar Yaakov posited that the leaving behind of evil alone not only brought cleanliness and purity to undo the negative but even included a lot of light of wisdom and lofty sanctity. So, leaving behind weakness of resolve includes an illuminating content as a means of acquisition, and is counted in the accumulation of positive along with that which was gained in the encampment. The two together complete the great characteristic of the path of the righteous, which is a glowing light that increases until full daylight (see Mishlei 4:18).



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

A Disappointing Partnership – part II

(based on ruling 70052 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The plaintiff (=pl) was a consultant for the owner (=def3) of a company (=def2). They and two more partners decided to form a new LLC company (=def1), in America, providing the services def2 provides in Israel. The partners divided responsibilities; pl was responsible for financial planning. The principals first all worked from Israel, hiring workers for their Manhattan office. Because business was slower than expected, pl was sent with pay to run the company on site. Sales improved, but def1 remained unprofitable. Disagreements over how to proceed grew, and the other partners agreed to buy out pl's share in def1 for \$68,000. A few months later, they made def1's operations off limits to pl; now, def1 is being closed. Pl demands to receive the \$68,000 plus expenses, arguing that he worked harder than he should have (the others, especially def3, did not do their fair share) and almost succeeded in saving def1. The defendants respond that pl exaggerated his qualifications and was not capable of doing the job properly, did not work with the necessary diligence, and did not meet the earning targets. The internet site was unprofessional; he did not do the proper bookkeeping; he did not report records to the IRS, which caused a \$7,000 fine. He also damaged relationships with some clients of def2. The partners excluded pl from def1 when pl threatened to join a competitor of def2. The \$68,000 offer was never signed and was contingent on a signed agreement with a non-competition clause, which pl refused to sign. They also learned later about further damages done by pl. The defendants demand the return of \$304,140 of salary and expenses.

Ruling: [Last time we saw that there was no binding agreement to buy out pl's share and that pl cannot be blamed for the company's overall failure.]

Even if pl is not blamed for losses, does he receive less due to lack of revenues? On the one hand, the Tosefta (Bava Metzia 4:22) says that one cannot extract payment from someone who was supposed to have invested another's money and did not. On the other hand, the gemara (Bava Metzia 73b) says that one who was supposed to have bought wine for his friend and did not (causing a lost opportunity to earn) must pay. The Chatam Sofer (Choshen Mishpat 178) says it depends how sure the earnings were. In this case, one cannot be at all confident that changing strategies would have had a serious impact. (We note that pl's replacement claimed he made many improvements, and yet def1's situation did not change much.)

Regarding the fine for not reporting to the IRS, pl's claim that reporting is necessary only when there are net profits is unreasonable. However, since such matters were under another partner's job description, even if he relied on pl to do it, he was required to ensure it occurred.

The defendants' removing access to pl was an insult, but there were grounds for it, since there was great tension and fear of giving information to competitors. The majority of the partners have a right to do such a thing due to a real need (they would have had to give pl access to certain information because he was a partner).

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Yair Menachem ben Yehudit Chana / David Chaim ben Rassa
Netanel Ilan ben Sheina Tzipora / Netanel ben Sarah Zehava
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