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HEMDAT YAMIM

Parashat HaShavua

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Silence is Proper for the Wise and Sometimes for Prophets

Harav Yosef Carmel

The *pasuk* that opens the *haftara* and is the headline for all of *Sefer Yeshayahu* places Yeshayahu at the time of four kings of Judea, starting with Uziyahu. Yeshayahu's first prophecy, covering the first six chapters, was given at the time of the traumatic earthquake during Uziyahu's reign and the latter's leprosy. The second prophecy (ch. 7) was given in the fourth year of the reign of Achaz (*Seder Olam Rabba* 22), 20 years later.

What happened in the meantime? Later in our *haftara*, Yeshayahu said: "Woe unto me for *nidmeiti*" (*Yeshayahu* 6:5). The expression *nidmeiti* is found only this one time in *Tanach*, and so it is not surprising that many meanings have been suggested. Targum Yonatan posits that it means that he was worthy of rebuke, although the etymological connection is hard to discern (perhaps for this reason, Rashi does not cite it). Rashi explains that Yeshayahu felt that he should die because he saw the "face of the Divine Presence" (*Shoftim* 13:22). He supports this idea with the fact that Manoach thought he would die for seeing something divine and from the fact that in *Tzefania* (1:11) the root is used as a parallel to *nichrat* (uprooted). The Radak agrees with Rashi regarding content, although he brings an etymological connection from elsewhere (*Hoshea* 10:15).

The *Pesikta* (*Pesikta Rabbati* 33) says that *nidmeiti* is from the root *damom* (like the word *dumiya*) and expounds as follows: "I saw things that are impossible to see and still live, and yet I saw and did live. Should I not have added my praise to that of the ministerial angels?! If I had joined my praise with theirs, I would have lived forever like them. How could it be that I was silent?" According to this approach, this silence was behind a failure that we will soon discuss.

According to this approach, it is possible that Yeshayahu was so shaken by the power of what he saw (the divine revelation of the *ma'aseh hamerkava*) that he was unable to speak. We find a similar phenomenon regarding Yechezkel, who, after his initial prophecy, was told: "I will glue your tongue to your pallet, and you will be mute" (*Yechezkel* 3:26). There is little option but to say that Yeshayahu was silent during this whole time due to the unprecedented prophecy of the *ma'aseh hamerkava*. Amos began prophesying two years before the *ra'ash* (literally, earthquake) (see *Amos* 1:1), and almost his whole prophecy was focused on it. He describes the *ra'ash* with similar words to those of Yeshayahu, and proclaims, "I have seen Hashem" (*ibid.* 9:1). This vision concludes his book and perhaps his period as a prophet, due to the awe-stricken silence it brought on. We find something similar regarding Michayahu (*Melachim* I, 22:19).

Therefore, we can summarize that sometimes the silence of prophets is a natural response to the loftiness of their prophetic vision. Let us pray that we will all internalize that "there is a time to be silent and a time to speak" (*Kohelet* 3:7). (An expansion of this theme can be found in my book *Tzofnat Yeshayahu*.)

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Ask the Rabbi

by Rav Daniel Mann

Moving into a Home during the Nine Days

Question: We sold our home and have been renting because construction on our new apartment is not complete. Now, it is basically ready, but lacks a *Tofes 4* (municipal permission to inhabit). If we get the *Tofes 4* during the Nine Days, is it permitted to move in then?

Answer: Classical sources do not discuss entering an apartment during the Nine Days, but building then. The *gemara* (*Yevamot* 43b) requires one to “lessen building activities” during the Nine Days, without specifying. In a parallel context, the *gemara* (*Ta'anit* 14b) says to not build a “house of *simcha*” on a fast day and gives as an example building a house for a *chatan*, implying that most building is permitted. In contrast, the *Yerushalmi* (*Ta'anit* 4:6) writes that it is permitted to build when there is concern that a wall will collapse, implying that most building is forbidden. The *Shulchan Aruch* (*Orach Chayim* 551:2) brings both extreme rulings; the *Mishna Berura* (*ad loc.* 12) follows the *Magen Avraham* and *Ran*, who say that any unnecessary building, for nonessential expansion/enhancement, is forbidden.

Our understanding (see *Bemareh Habazak* III:60) is that when something is too *simcha*-related to be permitted to build in the Nine Days, one should not move into it either (*Levushai Mordechai* I:101 disputes this thesis). It should also be at least as problematic as wearing a new article of clothing (*Levushai Mordechai* disputes this too), which is forbidden on grounds of *simcha* (*Rama*, *OC* 551:6).

Let us, therefore, investigate whether building would have been permitted. The *Mishna Berura* (*ibid.*) permits to build when it is needed to enable normal living conditions. In your case, this is not grounds for leniency if your present rental setup is satisfactory.

However, the *Mishna Berura* (551:13) permits building needed to prevent a financial loss, similar, although less dramatic, to the *Yerushalmi*'s case of a possibly collapsing wall. Finishing up the building to receive the building's *Tofes 4* is certainly justified, as even a minor missing detail can hold up a building-full of families for weeks, causing large losses of money and hardship. Is paying several days of rent enough of a justification? In a parallel case of buying a car during the Nine Days, *Rav Moshe Feinstein* (*Igrot Moshe*, *OC* III:80) allows it when needed for work (it is unclear what his assumptions were regarding the person's alternatives: no job, renting, using taxis?) In your case, it depends greatly on the individual family and its financial situation. In borderline cases, there is logic to allowing moving in during the beginning of *Av* but not during the week in which *Tisha B'av* falls (*Bemareh Habazak* *ibid.*).

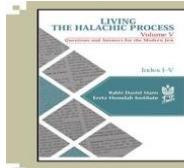
There is another issue – the *beracha* upon entering the house. The *Shulchan Aruch* (*OC* 551:17) says that one should refrain from reciting *Shehecheyanu* during the Three Weeks because the time is one we are not happy about. Many assume that one should recite *Shehecheyanu* upon entering a new house (see *Shulchan Aruch*, *OC* 223:3). The *Levushai Mordechai* (*ibid.*), whom we cited as being very lenient on building, forbids entering the home due to inability to recite *Shehecheyanu*. *Rav Moshe Feinstein* (*ibid.*) ruled, that in case of need, one can get the car during the Nine Days and recite *Shehecheyanu* after *Tisha B'av*; that logic applies here too. In *Bemareh Habazak* (*ibid.*), we accepted the *Bi'ur Halacha* (to 223:3) that when the homeowner has a wife and children benefitting from the house, the *beracha* to make is *Hatov V'hameitiv* (see more in *Living the Halachic Process* V, D:18), rather than *Shehecheyanu*. Since it does not mention “this time,” it is permitted in *Av*.

Another factor in play here is the concern that major projects undertaken during this period will be lacking in good *mazal* (see *Ta'anit* 29b). We are not experts on the rules of *mazal*. We suggest to consider the psychological element as well – a believing Jew is sometimes uneasy and/or regretful, short and perhaps long-term, about projects he did in the Nine Days, and it is wise to consider that feeling as well.

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Ein Ayah

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

[We continue with lessons to be learned from pairs of letters from the aleph bet.]

How Hashem Relates to the Evil Person

(condensed from Ein Ayah, Shabbat 12:27-28)

Gemara: *Kuf* represents *kadosh* (holy, i.e., Hashem); *reish* represents *rasha* (an evil person). Why does the face of the *kuf* turn away from the *reish*? For Hashem says: "I cannot look at an evil person." And why does the "crown" of the *kuf* extend toward the *reish*? For Hashem says: "If he returns from his way, I will tie onto him a crown like Mine."

Ein Ayah: When wickedness reaches its final stage, of complete evil, sometimes the *rasha* can use the types of methods which on their own merit could be activities of justice, and so people might see them as the paths of righteousness. However, Hashem looks at things from their beginnings to their ends and can discern the evil plots that are embedded in the actions of the evil and only appear to be proper. All such false colors of the righteous-looking actions of the evil are very far from the face of Holiness.

The *kuf* represents the root of sanctity and the *reish* represents the root of evil. Only Hashem can say in an absolute manner, even at a time at which the ultimate evil is being done in the manner of righteousness, that all of the evil person's actions together form an approach that is the opposite of the approach of righteousness based on their essential depth. That is why Hashem cannot look at the evil person.

On the other hand, there is a permanent rule that Hashem incorporated into existence that ultimate good must be completed with the help of all of the actions. Therefore, there is a special power that every action of a man possesses. Therefore, even though man has free will and he is capable of doing horrible things, all of the actions, even with their most negative consequences, are bad for the overall state of the world only with a condition attached to them – they remain bad only as long as the perpetrator does not change his character from bad to good. However, if a person changes his ways and is now focused on doing good, then there is a special connection between all of his actions, even the ones he already did when he was deep in the direction of evil, and between existence. They will reconnect with many factors that enable, within the realm of existence, to extract the most positive elements from those actions. This is in line with the approach of Hashem, who made everything for His glory, for the greatest and holiest purpose. That is the general direction of holiness, which is the crown of creation, and this holiness is lofty enough to accept any action that is now refocused to the pinnacle of grandeur and glory, to make the world a more adorned place.

This is what it means that the point of the *kuf* is facing the *reish*, in other words, that Hashem remains in waiting for the evil person to change his path, and then He can tie on a crown to it. This is a most exalted crown, the holy approach of taking everything in existence and having Hashem's thoughts find the ability for even evil actions to take part in glorifying Him, as if it is a crown of Hashem. The condition is that the evil person changes his nature to a positive one.



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

Overlapping Rentals

(based on ruling 71007 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The plaintiff (=*pl*) rented an apartment until Sept. 15 and paid the landlord in full (3,500 shekels per month). The defendant (=*def*), a friend of *pl*, decided to rent the apartment after *pl* and signed a contract with the landlord starting from Sept. 16th. In practice, *pl* left the apartment on Aug. 31, and *def* moved in on Sept. 1, with the permission of all parties. However, the two sides had argued in advance whether *def* would have to pay *pl* from Sept. 1 (1,750 shekels), as *pl* anyway had a place to go from that time. *Def* also could have stayed in his previous apartment until Sept. 15 and only did not want to wait until then because he had made an arrangement with his movers to move on Sept. 1. Also, *pl* had gotten *def*'s permission to keep his modem (worth 358 shekels) in the apartment for a period of time, and it cannot be found now.

Ruling: If there were not a discussion between the sides in advance, then this would have been a classic case of one who lives in his friend's house without permission and we would have had to determine whether this is a home that people usually pay for and whether the recipient was in need of its use (see Bava Kama 20b; Shulchan Aruch, Choshen Mishpat 363:6-10).

However, since there was a discussion in advance and *pl* expressed that he did not agree that *def* should use it for free, the pertinent ruling is of the Rama (CM 363:6) – one cannot be forced to allow someone to use his property for free. Although it is possible to force someone who does not lose anything as a result to allow someone to use his property, that does not apply when the property owner could have used it himself, including by renting it out to someone else. The K'tzot Hachoshen posited that the determining factor is the wording of the one who lets his counterpart in, and here *pl* was clear. It is not important whether *def* was clear that he did not think he needed to pay.

Regarding the modem, it is possible to discuss whether, as one who agreed to host the modem and was receiving the apartment specifically with the modem within, *def* was a *shomer chinam* (unpaid watchman) or a *shomer sachar* (a paid watchman). This determination would be impactful here because the modem was apparently stolen. However, *def* and his painter did not see the modem when they entered the apartment, and therefore it is likely that it was stolen before *def* moved in, possibly by the cleaning staff. In that case, *def* never began being a watchman in the first place.

Therefore, *def* will pay *pl* 1,750 for half a month's rent and is exempt from paying for the modem.

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