



HEMDAT YAMIM

Parashat HaShavua

Devarim, 8 Av 5781

Harav Shaul Israeli zt"l
Founder and President

Why Are There No *Plishtim* in Sefer Devarim?

Harav Yosef Carmel

These days we are mourning the destruction of the first and second *Batei Hamikdash*. An important deficiency of life without a *Beit Hamikdash* is the loss of sovereignty.

The Rambam (Melachim 1:1) rules: There were three *mitzvot* that Bnei Yisrael were commanded upon entering the Land – to appoint a king, to eradicate the nation of Amalek, and to build a permanent Sanctuary. The *mitzva* to appoint a king precedes the other two, in which case it is noteworthy that Bnei Yisrael did not appoint such a king for some 400 years from the time that Yehoshua led the nation into *Eretz Yisrael*. Why didn't they do so? Because they did not have full independence. What prevented full independence? The answer can be found in silence.

The *Plishtim* prevented our dominion and even independence, and this is the reason they are all but missing in the *Chumash* (the *Plishtim* of the forefathers' era was a different nation). They are mentioned in passing only in Shemot. When explaining why Bnei Yisrael did not travel from Egypt to *Eretz Yisrael* via the coastal road, known as "the road of the Land of the *Plishtim*," the Torah explains: "... lest the nation have regret when they see battle and return to Egypt" (Shemot 13:17). In other words, the *Plishtim* were too powerful for the young nation to be ready to confront in battle. The second, cryptic reference was in the context of the boundaries of *Eretz Yisrael* – the Mediterranean is called the Sea of the *Plishtim*.

When Yehoshua entered the Land and had many successful conquests, the *navi* still details the areas that were "left over," i.e., not conquered. Very prominent among them were the areas inhabited and controlled by the *Plishtim* (Yehoshua 13:1-3).

Returning to our *parasha*, Moshe Rabbeinu summarized the history since the Exodus and mentions what was conquered on the eastern side of the Jordan, the sojourns in the area, and the giving of land in that area to Reuven and Gad. Not a word is mentioned about the *Plishtim*. Apparently, Moshe knew that this problem would not disappear so quickly. Israeli sovereignty and the establishment of a state is something that requires much Divine Assistance, special leadership, staying power, and a properly prepared army. It took hundreds of years after entering the Land and was accomplished only at the time, and based on the actions, of Shmuel, Shaul, and especially David.

After 2,000 years of exile and subservience, we have received independence in a large part of the Land west of the Jordan. The dreams of generations were fulfilled, and a wondrous process of ingathering of the exiles took place. [This was written during the "summer of Corona," which included civil tension surrounding lockdowns. At the time of translation, we do not know how the streets will look when this is read.] We have a great responsibility to protect that which has been gained. Social deterioration and anarchy in the streets are dangerous events, and these dangers can grow exponentially. While exponential growth in Covid infection is dangerous, the danger of "civil war" is much more serious and concerning. Specifically, during the Three Weeks, let us protect our wonderful state with love and unity, remembering that the virus does not distinguish between parts in the nation.

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



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Ask the Rabbi

by Rav Daniel Mann

The Transition From Shabbat Into Tisha B'Av

Question: Could you please explain how to handle the transition from Shabbat into Tisha B'Av (when it falls on *Motzaei Shabbat*) regarding *se'uda shlishit*, *Havdala*, and changing clothes?

Answer: *Se'uda shlishit*: The *baraita*, quoted in Ta'anit 29a says that one may eat as extravagant a meal as he wants on Shabbat even if Tisha B'Av falls on that day or the next. The Tur (Orach Chayim 552) cites customs that one is allowed and would do best to curtail the Shabbat meal. This is especially so at *se'uda shlishit*, which is, in effect, the *se'uda hamafseket*. However, these considerations are countered by the need to avoid displaying mourning on Shabbat. Therefore, there are no real restrictions, even at *se'uda shlishit* (Shulchan Aruch, Orach Chayim 552:10). However, the mood should somewhat reflect the coming of Tisha B'Av, as long as it does not bring on clearly noticeable changes (Mishna Berura 552:23). One important halachic requirement is that one must finish eating before sunset (Rama ad loc.).

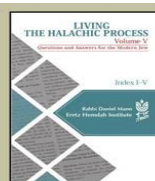
Havdala: One says *Havdala* in *Shemoneh Esrei*. *Havdala* over a cup of wine is done after Tisha B'Av (Shulchan Aruch, Orach Chayim 556:1). Despite these facts, if one forgot to mention *Havdala* in *Shemoneh Esrei*, he does not repeat *Shemoneh Esrei*. Rather, the declaration of *HaMavdil*, which enables one to do actions that are forbidden on Shabbat, suffices (Mishna Berura 556:2). Unlike *Havdala* during the Nine Days, where we try to give the wine to a child rather than an adult (Rama, Orach Chayim 551:10), after Tisha B'Av, an adult can freely drink the *Havdala* wine (Mishna Berura 556:3). The *beracha* on *besamim* is not recited this week because it is always recited only on *Motzaei Shabbat*, and on Tisha B'Av it is not appropriate because it is supposed to serve as a pleasure that revives the soul.

The *beracha* on the fire is specific to *Motzaei Shabbat*, is not a pleasure, and does not require a cup. Therefore, the *minhag* is to recite it in *shul* toward the end of *davening*, before the reading of *Eicha* (Mishna Berura 556:1). There are those who say that a woman should, in general, avoid making *Havdala*. This is because of the doubt whether a woman is obligated in the *beracha* on the fire, which is not directly related to Shabbat and thus is a regular time-related *mitzva*, from which women are exempt (*Bi'ur Halacha* 296:8). Therefore, if one's wife will not be in *shul* at the time of the *beracha*, it is better for the husband not to fulfill the *mitzva* at that time, but to make the *beracha* on the fire at a time that his wife can hear it (Shemirat Shabbat K'hilchata 62:(98)).

Taking off shoes: As we mentioned, one may not do a noticeable act of mourning before Shabbat is over. While finishing to eat before sunset or refraining from washing need not be noticeable, taking off shoes is. There are two *minhagim* as to when to take them off: 1) One waits until after Shabbat is out, says *HaMavdil*, and then changes clothes and goes to *shul*. One can do so a little earlier than the regular time listed for Shabbat being out, which is usually delayed a little bit beyond nightfall to allow for a significant adding on to Shabbat at its end. The exact time is not clear and depends on the latitude of one's location. It is advisable to start *Ma'ariv* a little late in order to allow those who take this approach to make it to *shul* (Shemirat Shabbat K'hilchata 62:40; Torat HaMo'adim 9:1). (If the rabbi has ruled that everyone should take the following approach, all should conform, and there is no need for such a delay). 2) One takes off his shoes after *Barchu* of *Ma'ariv*. One who takes the second approach should bring non-leather footwear and *Eicha/Kinot* books to *shul* before Shabbat to avoid the problem of *hachana* (preparations for after Shabbat). However, if one uses these *sefarim* somewhat in *shul* before Shabbat is out, he can bring them with him on Shabbat (Shemirat Shabbat K'hilchata ibid. 41).

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Igrot HaRe'aya – Letters of Rav Kook

Yerushalayim First and Foremost – Letter #39 – part I

Date and Place 3 Marcheshvan 5667 (1906), Yafo

Recipient: Rabbi Yehuda Leib Felman, an uncle of Rav Kook.

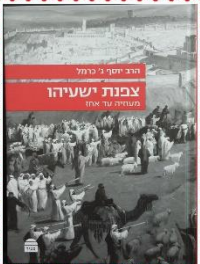
Body: I will relate to the dispute between the leaders of Israel, who are *kollel* heads. (In those days, the members of the religious communities in *Eretz Yisrael* received support from the Diaspora. The fundraising and distribution were done based on communal affiliation, based on country of origin or religious subgroup. Each group was called a *kollel*.) I have been upset since I heard of the dispute from the person in charge of Kollel Chabad, a very distinguished man from Yerushalayim, may it be rebuilt, who asked for my advice on the matter. My opinion is that we must all exert ourselves fully to prevent any further divisiveness, as the existing acrimony is enough and unfortunate. It would have been better to do away with the “addresses” (of the offices of the *kollel* funds), just so that a division should not be made, by which Chevron will be by itself and Yerushalayim by itself.

It is even more certain that there should not be even the slightest resentment in the heart of some of our brethren, which diminishes the level of sanctity of Yerushalayim, heaven forbid, in relation to that of any of the other cities. That would be the same moral blemish that is behind the prohibition to offer sacrifices on altars outside of the *Beit Hamikdash*. The protest against the tribes of Gad and Reuven when they built an altar (Yehoshua 22) was all about not equating the sanctity of any place, even in *Eretz Yisrael*, to the sanctity of the place that Hashem chose and with which His Name is associated. Certainly it should not be diminished from its lofty status.

It is specifically Yerushalayim and no other city which “contains” all that is in *Eretz Yisrael*. Therefore, the sanctity of Chevron is included in that of Yerushalayim and not vice versa. This is the basis of the Zohar’s (Chayei Sarah 128b) statement that all of *Eretz Yisrael* is “folded up” under Yerushalayim, which explains the name *s’dai hamachpela* (the double field). So we see that even the sanctity of Chevron and *Me’arat Hamachpela*, which is its spiritual focal point, is included in Yerushalayim, and Yerushalayim is the source of Chevron’s sanctity. This is what Rav Betzalel Ashkenazi meant when he said (*Shut* 14): “If there is no Yerushalayim, there is no Chevron.” While the Chatam Sofer (*Shut* II:233) did not understand how the two are related, it does seem to be based on this piece in the Zohar.

It is true that setting the calendar is not linked specifically to Yerushalayim, as it can be done anywhere in *Eretz Yisrael* (see *Berachot* 63a). It is just preferable to do it in the portion of the Tribe of Yehuda, because this is the place of “for His Presence you shall inquire,” and the portion of Yehuda is in proximity to that holy place (see *Sanhedrin* 11b). *Tosafot* (ad loc.) asks about a contradiction between the *gemara* that derives the place of setting leap years from “from Zion shall emanate Torah” and another *gemara*, which derives it from “for His Presence shall you inquire.” The idea is that “from Zion ...” teaches about *Eretz Yisrael* in general, which is sometimes called Tziyon and Yerushalayim. The other *pasuk* refers to the portion of Yehuda. In any case, we learn from both *gemarot* that the main sanctity and stature of *Eretz Yisrael* depend on Yerushalayim, for the simple wording of the *p’sukim* are always very telling, and they speak of Zion and Yerushalayim. It must be that the sanctity of Yerushalayim shines throughout the Land and that Yehuda is prominent because of its proximity to it.

We will continue with the practical side that follows from Yerushalayim’s special status.



**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

What Determines the Builder's Responsibility – part II

(based on a partial ruling in case 73081 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The plaintiff (=pl), a contracting company, built the defendant's (=def) house among others in a project, and each claims the other owes money, based on a comparison between the original terms and what was actually carried out. There were various determinants for what needed to be done: 1. The contract; 2. Blueprints; 3. The specifications; 4. The decisions of the building inspector (=ins). *Beit din's* expert began work to determine the factual basis for *beit din's* decisions, but *beit din's* decision is needed to form a ruling. The main dispute relates to the fact that pl built less than what was laid out in the contract and specifications. According to def, when something is clear in these documents, ins is not authorized to forgo it and exempt pl from paying the difference. Additionally, the contract gives special status to the inspector's instructions only when they are written down in the project's ledger, which ins did not do. Pl argues that since ins' decisions were discussed with and approved by the landowners' representatives, these decisions are authorized to uproot whatever was written elsewhere. Pl points out that the contract was the same for different types of apartments in the project, so that ins' input was absolutely necessary and must be binding.

Ruling: [Last time we saw that while pl would be expected to follow ins' instructions, def would receive a reduction for elements that were not carried out.]

We must take a look at an unusual legal setup in this project. The *yazam* (developer) of the project is the *yishuv* and this set the tone for the work, but for technical reasons, each homeowner received the plot directly from the Land Authority and signed a work contract with the contractor. Therefore, the individual specifications an individual had were not as impactful as the plans and instructions of the *yishuv's* professionals, such as ins. While one might expect then that def would have accepted the practical arrangements, we see that he did not.

There is a document with certain financial principles of the project that pl's office sent out to the buyers five days before def signed his contract. Def claimed to have never seen the letter nor taken part in meetings of the buyers with ins, and pl is not able to dispute this. While pl was negligent in not attaching this document to the contract which was signed soon thereafter, they did already publicly express their intention not to be bound by everything that was written in the contract (*moda'a*). From def's perspective, by his own account, he did not complain about things that were not being done until soon before the final payment, and was not even aware of many of the things that he now claims were promised when he signed the contract. Generally one is not believed that he signed documents without knowing their contents (Shut Harashba VII:77). But in this case, the claim is for the benefit of the other side, and it shows that def relied upon pl. [Because of this and other factors,] we will rule based on compromise, and give def a reduction of a 1/3 on those things that are in the specifications but were not required of pl by ins.

We daven for a complete and speedy *refuah* for:

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Yisrael ben Rivka
Rivka Reena bat Gruna Natna
Arye Yitzchak ben Geula Miriam
Neta bat Malka
Meira bat Esther

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