



HEMDAT YAMIM

Parashat Hashavua

Yitro, 20 Shevat 5782

Connecting to the Torah through Unity

Harav Shaul Yisraeli – from Siach Shaul, p. 236-7

Harav Shaul Israeli zt"l
Founder and President

The *midrash* (Bamidbar Rabba 15:18) connects the *pasuk* "Gather for Me seventy men" (Bamidbar 11:16) to the *pasuk* "... His bundle on the earth He founded" (Amos 9:6), and posits (to the extent this can be said) that Hashem's throne is secure only when Bnei Yisrael make themselves one bundle (i.e., are unified). Why is unity in Israel so critical? *Chazal* also comment on Hoshea 4:17 that even if one worships idols, if he is well connected to his compatriots, he will be left without immediate severe punishment (Bereishit Rabba 38:6). Why is the unity of even the wicked of such value?

The *gemara* (Shabbat 88a) learns from the *pasuk* "They stood at the bottom of the mountain" (Shemot 19:17) that Hashem held the mountain over Bnei Yisrael's head. A related *midrash* (Shemot Rabba 42:8) implies that the nation's response of "We shall do and hear" was not fully sincere. How could that be, considering that they received great praise and prizes for that statement (Shabbat *ibid.*)?

Hashem raised up our spiritual level in an unprecedented manner of "jumping up in levels," as alluded to by the *pasuk* "I carried you on the wings of eagles" (Shemot 19:4). This took the nation from the 49th rung of impurity to the highest level of sanctity and preparedness to receive the Torah. This occurred in a revolutionary manner, by the miracles and the divine revelation the people witnessed, especially at the splitting of the sea (Mechilta, Beshalach 3). This revelation left no room for doubters of Hashem. How could one refuse to accept Hashem's Torah and *mitzvot* after seeing Him and His power in the most wondrous manner?! This is what was meant by the "holding of the mountain over their heads." It was not that they spoke insincerely "We will do and hear," but that since they were under the influence of short-term amazement, it did not have a chance to be absorbed fully in their long-term psyche.

Still, how did they reach such a lofty level? This is connected to the idea that the nation's encampment at Sinai (where the people were referenced with a singular-form verb) was done with "one heart" (Rashi, Shemot 19:1). The importance of the unity is in the fact that every Jew has two sets of strengths: a special spiritual quality (*segula*) and the power to act properly. When we say that "A Jew remains a Jew even if he has sinned" (Sanhedrin 44a), this is a result of the *segula*. But this *segula* is powerful only when the people are interconnected and unified as a special society/nation. Then when all the parts of the *segula* join together, the process of life causes the spiritual power of Israel to show itself.

For that reason, only after the nation crossed the Jordan into *Eretz Yisrael* was the nation responsible for the sins of individuals committed privately (Sanhedrin 43b). Because the nation was one "body," when one limb is infected, the whole body feels it. On the positive side, when there is unity, the *segula* of the Nation of Israel shines with full brightness. Then one cannot stray from the way of the Torah because the nation's natural power is connected to the fulfillment of the Torah. Thus, national unity makes a connection to Torah a definite fact. The national community will, sooner or later, return to full practice of the Torah to which it is connected.

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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

Beracha on Hearing Aids

Question: I am excited to be getting hearing aids, which will improve my quality of life greatly, so that it deserves a *Shehecheyanu*. Considering that my family will find it easier to speak to me, should I recite *Hatov V'hameitiv*?

Answer: Indeed *Shehecheyanu* is for important acquisitions; *Hatov V'hameitiv* is for those that also benefit others (Berachot 59b; Shulchan Aruch, Orach Chayim 223:5). The question is how direct the others' benefit must be.

The *gemara* (Berachot 59b) says that *Hatov V'hameitiv* applies to cases where the recipient has a partner, or that it is for him and a friend. The Yerushalmi (Berachot 9:3) says that an individual who receives a nice present recites *Hatov V'hameitiv*, and the Rosh (Berachot 9:16) explains that the gift giver also benefits, as it is nice to be able to give and to have it accepted. Tosafot (Berachot 59b) sees the two Talmudic sources as contradictory, as the Bavli requires joint ownership to make *Hatov V'hameitiv*, and the Yerushalmi views side benefit as sufficient. If that is the case, the rule is that we follow the Bavli, that *Shehecheyanu* would be said, not *Hatov V'hameitiv*. The Rosh (ibid.) and the Beit Yosef (OC 223:5), though, believe the two sources are compatible, explaining that the Bavli does not mean to require a literal partner but one who joins in the benefit. The Shulchan Aruch (ibid.) therefore rules that a gift recipient recites *Hatov V'hameitiv*, whereas many *poskim* say that *Shehecheyanu* is said (see Mishna Berura 223:21).

The Mishna Berura (ibid.) recommends resolving the issue in practice by doing *Shehecheyanu*. The Be'ur Halacha (ad loc.) explains that this is the safer choice. First, even if the higher-level *beracha* of *Hatov V'hameitiv* is called for, one still fulfills the requirement with *Shehecheyanu* (similarly to *Shehakol* being a valid *beracha* after the fact for all foods). Additionally, there is a respected opinion that when *Hatov V'hameitiv* is called for, it means *Hatov V'hameitiv* in addition to *Shehecheyanu*. According to this opinion, *Shehecheyanu* is anyway warranted, and we would omit the second *beracha* of *Hatov V'hameitiv* due to doubt.

At first glance, your question depends on this *machloket*. After all, you are the one clear owner/user of the hearing aid who is benefitting directly. It is even possible that the Yerushalmi did not mean that *Hatov V'hameitiv* is said on all cases of indirect benefit.

Your excellent outlook causes you to assume that at least *Shehecheyanu* is called for. Those people who dread hearing aids certainly would not make a *beracha* even if they are very helpful (see Magen Avraham 223:10). It is less certain that people who value that which most people do not make a *beracha* (see Mishna Berura 223:24).

There is a *machloket* whether to recite *Shehecheyanu* on things which serve to rectify or alleviate an unfortunate problem. Avnei Yashfeh (V:41) says to do so for a wheel chair or glasses if they bring him joy. Be'er Moshe (VIII:67) says the same about dentures. He claims that there is a proof from the *halacha* that when one's parent dies and he inherits, he makes a *beracha* on the inheritance despite the tragedy (Berachot 59b). One can deflect that proof, as inheritance is positive and not just rectifying a problem; therefore, it gets a *beracha* even if accompanies tragedy. This is different from a hearing aid, which just overcomes the ear's malfunctioning. I have seen accounts of Rav SZ Auerbach (Berachos of Praise, p. 201) and Rav Mazouz (online) saying that one does not make a *beracha* on medical appliances. There is also an old, although dubious, *minhag* to make *Shehecheyanu* only on clothes and not other articles (see Magen Avraham 223:5).

Your happiness/thankfulness should find expression with a *beracha*. It is safer to do it by making a *Shehecheyanu* on something that definitely warrants it and having the hearing aid in mind. However, there is a strong enough case to make *Shehecheyanu* (not *Hatov V'hameitiv*) independently if you like, all the more so regarding the latest hearing aids that have uses that go beyond fixing.

Do not hesitate to ask any question about Jewish life, Jewish tradition or Jewish law.



Igrot HaRe'aya - Letters of Rav Kook

Course of Study in Contemporary Times - #89 – part IV

Date and Place: 21 Menachem Av 5664 (1904), Rechovot

Recipient: R. Dr. Moshe Zeidel. He was a close disciple of Rav Kook, from their time in Boisk. Dr. Zeidel was a philologist and philosopher, who asked Rav Kook many philosophical questions.

Body: [Last time, Rav Kook started writing about the Torah's view of slavery. He posited that slavery was a natural fact of human society, not at all created by the Torah, and that a slave protected by regulations could be better off than an exploited worker.]

The improvements in the realm of regulating slavery by the light of Torah were helpful only until we and our fathers sinned, but from the day the Temple was destroyed and we were scattered among the nations of the world, the curses to which we have been exposed increased continually. Specifically then, the Dark Ages emerged and warped the rectitude of lifestyles. At that point, slavery became a monster, and slavery no longer worked to protect the weak in society from the powerful and wicked by making people responsible for their "property." At this point, human society decided to stop the idea of legal slavery, which was causing more damage than providing benefit. This was not enough to stamp out the practice of "natural slavery" or remedy the abuse from which legal slavery had been able to protect.

This idea needs to be hidden until the time of light when Torah will go forth [to the whole world] from Zion. At that time, the following *pasuk* will be fulfilled: "Ten men from all the nations will grab the corner of a Jew's garment, saying: 'We will go with you, because we have heard that G-d is with you'" (Zecharia 8:23). Then, the whole world will recognize, as the hearts will be fixed and will become hearts of flesh (as opposed to hearts of stone), full of rectitude and mercy, what is actually good for them. Some of the downtrodden will want to put themselves under the auspices of fine, righteous people with wise hearts, who will look out for their welfare in the way people do for their prize possessions, which will bring them contentment and security.

The social and ethical situations are interconnected based on Hashem's wisdom. Therefore, the ones who are fit to be slaves are those who would bring bad for themselves and the world by having greater freedom. These are people whose nature pushes them toward lowly lives, so that only external pressure straightens and elevates them. One's family pedigree plays a role. Just as good attributes are often inherited, so too lowliness is often inherited in a way that it takes many, many generations to outgrow, as it is passed on both through people's material and spiritual side.

Therefore, the lowliness that Ham displayed was such that his descendants were more likely to be fit to be slaves than to rule their own lives. This is what the Torah describes as Ham's cursed status. For this reason, blessed people, who have attributes that connect them to love of Hashem and a striving for wisdom, should avoid clinging to them. In order to give credence to the level of rectitude mankind should have embraced through the Torah, there was value in the laws of slavery remaining in a regulated manner. This is the impact of a law like *yom oh yomayim* (forbidding excess enforcement of slaves' obligations). The punishment for taking a life must be weighed in the perspective of making the world a better place, including in the future. That which protects society and the majority of its constituents in the future, in addition to being the right thing intrinsically, also needs to be limited in a way that it is safe externally. A situation must not exist whereby punishment of sinners stops being a tool of mercy and improving society but becomes a form of revenge.

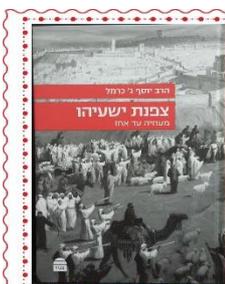
With this, we finish our treatment of Rav Kook's understanding of the Torah approach to slavery and move on to the next topic.

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Nir Rephael ben Rachel Bracha
Yisrael ben Rivka

Rivka Reena bat Gruna Natna
Arye Yitzchak ben Geula Miriam
 Together with all *cholei* Yisrael

Neta bat Malka
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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

Where Could the Investment Money Go?

(based on ruling 80067 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The plaintiffs (=pl) invested 200,000 NIS with the defendant (=def), an investment corporation owned by def2, in a project to build a commercial building. The following provisions are included in an investment agreement signed in 07.2015: 1. When def will receive a building permit, they will create a subsidiary for this project, in which pl will have a 6.6% stake. 2. If the project does not work (criteria detailed, but not in this presentation), pl's investment will be used for another project, chosen by pl. 3. Until the subsidiary is formed, pl's money will be kept in escrow. The property still lacks a building permit, and def has used pl's money, not keeping it in escrow. Pl accuses def of being evasive about information, assuring them that the building permit is coming soon, and for a long time keeping as a secret that the money is not in escrow. Pl asked to have the money transferred to other investments, but def offered only a loan with interest, which pl turned down. Therefore, pl demand their money back along with expected profits of 7% annually, and compensation for his lawyer's fee. Def2 responds that he told pl there was a potential for loss. The project became more complicated and expensive than envisioned, and pl's money has been spent, and will not be available until the project is finished. Def2 claims that the clause about escrow was a technical mistake, as money needed for a project would be useless in escrow. Def2 also rejects pl's demand that he accept personal liability since the contract was with def.

Ruling: First, we determine that the project failed to materialize as defined by the contract.

According to the contract, pl's money was not to be used until the project received a building permit, which is a time at which the most money becomes needed for construction. One can claim there is a mistake in a contract only with proof (Shulchan Aruch, Choshen Mishpat 49:6). The Tumim (49:5) says that this is either when the only logical meaning is something else or when there are witnesses. The Beit Meir (4) adds that it can be a mistake that most people would not catch. Def's claim does meet any of these criteria, and therefore this claim is rejected.

Although def violated the agreement, pl might have been *mochel* the violation when they chose, upon learning the money was not in escrow, to continue investing it with def rather than demand its return. However, there are indications that the *mechila* was on false premises, believing def2 that the building permit was close at hand, which was untrue (see Rama, CM 241:17). Furthermore, it is unclear whether pl's *mechila* was explicit, and silent *mechila* is invalid according to many opinions (see K'tzot Hachoshen 12:1 and Netivot Hamishpat 12:5). Finally, pl have a contract in their favor, in which case many rule the *mechila* must come with an act of *kinyan* to be binding (see Rama, CM 241:2). Due to the combination of all these reasons, pl can demand their money back.

Next time we continue with the terms of pl receiving their money back.

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