



# HEMDAT YAMIM

חַנּוּכָה יָמִימִים

## Parashat Hashavua

Behar, Iyar 17 5784

Harav Shaul Israeli zt"l  
Founder and President

### Days of Re-establishment – How We Come Before Him in Praise – part II

Harav Yosef Carmel

We will continue with what we started last week – the two subjects of the famous and holy song, Lecha Dodi, by Rav Shlomo Alkabetz of Safed – Shabbat (openly), and the liberation with the coming of *Mashiach* (behind the scenes). So when we say in the chorus, "Let my beloved go toward the bride, the face of Shabbat we will accept," the bride/groom relationship is not referring only to Shabbat and the Shabbat-observant person, but also to Bnei Yisrael and Hashem reaching new heights of connection, when Hashem reveals Himself more completely at the time of liberation.

Let us now take a look at the song's verses. The first verse starts: "Preserve (*shamor*) and remember (*zachor*) with one speaking did the unique (*meyuchad*) G-d have us hear." The "outer" meaning is focused only on Shabbat, as *zachor* and *shamor* were said in reference to Shabbat at the giving of the Torah (in Yitro and Vaetchanan, respectively). However, the word *meyuchad* is a classic word in the jargon of the Kabbalists (including Rav Elkabetz), which makes us believe that they are really hinting at the *nimshal*, which is the coming of *Mashiach*.

The second verse, again explicitly speaking about Shabbat, concludes "the end of the action was planned from the beginning." The idea, taken from the Zohar, comes from the context of the liberation being in place from before the world was created.

Let us go now to the third verse (*bayit*, in Hebrew), which has a double meaning, as this time it refers explicitly to the Third *Bayit* (Holy Temple of the time of *Mashiach*) and the "city of the kingdom." The kingdom is both of the kings of Yehuda and Yisrael but also that of Hashem. The verse continues that "you have been too long in the valley of crying." This is a reference to the recent historical hardship of the expulsion from the Iberian Peninsula. The kabbalists of Safed saw this catastrophe as the heel and the pains of the coming of *Mashiach*.

The fourth verse talks about King *Mashiach*, who will raise up the people from the dirt. However, this is also done in the form of a hint, as he is referred to as "the son of Yishai (Jesse) from Beit Lechem." This is the place that the prophet Shmuel was sent to switch the anointed one from the children of Rachel (Shaul) to the son of a Judean family.

The fifth verse calls on the nation to awaken because our light has come, and we are to shine and sing. In other words, the poet is urging the people to realize that the time has come for practical human actions to hasten the liberation. People in Safed indeed started to try by renewing authentic rabbinical ordination and then trying to assemble a Sanhedrin, which is the ultimate form of the judicial system, whose existence and excellence is a condition for a full liberation. The coming of light, which is mentioned, hints at return of the special light of the days of Creation, which will occur at the End of Days (see Yeshayahu 30:26).

We will continue next week with practical conclusions. In the meantime, let us remind all that showing respect to others hastens the unity not only within the nation but between the Jewish People and Hashem.

#### Hemdat Yamim is dedicated to the memory of Eretz Hemdah's beloved friends and Members of Eretz Hemdah's Amutah:

Rav <b>Shlomo Merzel</b> z"l Iyar 10, 5771	Rav <b>Yisrael Rozen</b> z"l Cheshvan 13, 5778	Mr. <b>Moshe Wasserzug</b> z"l Tishrei 20, 5781	Rav <b>Reuven &amp; Chaya Leah Aberman</b> z"l Tishrei 9, 5776 / Tishrei 20, 5782	Prof. <b>Yisrael Aharoni</b> z"l Kislev 14, 5773
R' <b>Yaakov</b> ben Abraham & Aisha and <b>Chana</b> bat Yaish & Simcha <b>Sebbag</b> z"l	R' <b>Yitzchak Zev &amp; Naomi Tarshansky</b> z"l Adar 28, 5781/ Adar II 14, 5784	Mr. <b>Shmuel &amp; Rivka Brandman</b> z"l Tevet 16 5783/ Iyar 8, 5781	R' <b>Meir</b> ben Yechezkel Shraga <b>Brachfeld</b> z"l & Mrs. <b>Sara Brachfeld</b> z"l Tevet 16, 5780	
Rabbi Dr. <b>Jerry Hochbaum</b> z"l Adar II 17, 5782	Rav <b>Asher &amp; Susan Wasserteil</b> z"l Kislev 9 / Elul 5780	R' <b>Abraham &amp; Gitta Klein</b> z"l Iyar 18 / Av 4	R' <b>Benzion Grossman</b> z"l Tamuz 23, 5777	
R' <b>Eliyahu Carmel</b> z"l Rav Carmel's father Iyar 8, 5776	Mr. <b>Shmuel &amp; Esther Shemesh</b> z"l Sivan 17 / Av 20	Mrs. <b>Leah Meyer</b> z"l Nisan 27, 5782	Mrs. <b>Julia Koschitzky</b> z"l Adar II 18, 5782	Rav <b>Moshe Zvi (Milton) Polin</b> z"l Tammuz 19, 5778
Mr. <b>Zelig</b> & Mrs. <b>Sara Wengrowsky</b> z"l Tevet 25 5782 / Tamuz 10 5774	Dedicated in memory of <b>R' Leiser Presser ben R' Aharon Yitzhak and Bracha</b> on the occasion of his <i>yahrzeit</i> , 24 Iyar, and members of his family who perished in the shoah Al Kiddush Hashem			
Hemdat Yamim is endowed by Les z"l & Ethel Sutker of Chicago, Illinois, in loving memory of <b>Max and Mary Sutker &amp; Louis and Lillian Klein</b> z"l			<b>Nina Moinester, z"l, Nechama Osna bat Yitzhak Aharon &amp; Doba</b> z"l Av 30, 5781	

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



**Eretz Hemdah**  
Deans: Harav Yosef Carmel, Harav Moshe Ehrenreich  
2 Bruriya St. corner of Rav Chiya St.  
POB 8178 Jerusalem 91080  
Tel: 972-2-5371485 Fax: 972-2-5379626.  
amutah number 580120780

**American Friends of Eretz Hemdah Institutions**  
c/o Olympian, 8 South Michigan Ave.,  
Ste. 605, Chicago, IL 60603, USA  
Our Taxpayer ID #: 36-4265359

[www.erezhemdah.org](http://www.erezhemdah.org) [info@erezhemdah.org](mailto:info@erezhemdah.org)

Donations are tax deductible according to section 46 of the Israeli tax code

# Ask the Rabbi

by Rav Daniel Mann

## Mezuzah for a Balcony

**Question:** Summary after follow-up questions: The apartment we are moving into has an open balcony (*mirpeset*), accessed only by our living room, whose main functions are “taking in” the air, sun, and view, and presumably for kids to play. (It is not for a *sukka* because most of it is covered by a neighbor’s *mirpeset*.) Its dimensions are 4.3 meters X 1.2 meters. Does it require a *mezuzah* and if so, on which side?

**Answer:** The first question, whether the *mirpeset* requires a *mezuzah* in its own right, has two parts. The *gemara* (Yoma 11b) derives that only “houses made for living” require a *mezuzah*. There are different indications as to whether what *Chazal* called *mirpeset* requires (see *ibid.* and *Menachot* 33b), and the *Shulchan Aruch* (*Yoreh Deah* 286:7) rules that it depends if there is an entrance from a house to the *mirpeset*. However, that is not talking about a balcony. Most *poskim* posit that our *mirpesot* require *mezuzot* (see *Chovat Hadar* 2:5) because stepping out for air etc. is a normal way of using one’s house. Although a house needs a roof to require a *mezuzah* (*Shulchan Aruch* *ibid.* 14), it is normal for a balcony to not have a (full) roof, and lack of one does not necessarily exempt (see *Sha’arei Hamezuzah* 2:(11)). According to some opinions, and possibly depending on certain parameters, one would affix the *mezuzah* to a *mirpeset* without a *beracha* (see *ibid.* (12)).

The balcony’s size is an important factor. The minimum size for a house is 4 *amot* (around 2 meters or a little more) by 4 *amot*, regarding several *halachot* including *mezuzah* (*Sukka* 3a). The *Rosh* (*ibid.* 16) posits that both its length and width must be 4 *amot*. Most early sources understand the *Rambam* (*ibid.* 2) as saying that it suffices that the room’s area be 16 sq. *amot*, even if one of its dimensions is less than 4 *amot*, and the *Shach* (286:23) treats the matter as a doubt. According to these rules, it is a doubt whether your *mirpeset* (around 20 sq. *amot*, but not 4 *amot* wide) is big enough to require a *mezuzah*. The *Pitchei Teshuva* (*YD* 286:11) cites an opinion that a room whose size is viable for its living purposes requires a *mezuzah* even if it is “undersized.” While this is a respected opinion (see *Minchat Yitzchak* 1:8), it is unclear to what extent we accept it (see *Chovat Hadar* 4:(16)).

The indications are, then, that it is a doubt whether your balcony deserves, from “its sake,” a *mezuzah*, and in which case, affixing it on the right going out without a *beracha* on it could make sense. However, even according to the possibility that the *mirpeset* does not have its own *mezuzah* obligation, its connection to the living room may affect matters.

We put the *mezuzah* on the right side going into a house, but when going from room A to room B within it, we must decide which room we are considered entering from which, to determine which side is “the right.” The major factors are: 1) which room is used more significantly; 2) into which room does the door open; 3) most importantly, when one can only enter room B by means of room A, we view it that we are going **into** the “dead end” (*Taz*, *YD* 289:4; *Pitchei Shearim* 289:67). Your *mirpeset* is such a dead end, ostensibly indicating to affix the *mezuzah* on the right side **going out to** the balcony. (A minority opinion holds that since the *mirpeset* is subservient to the house, one always puts it in the direction of entering the main house (*Chazon Ish*, *YD* 168:5).)

However, if the *mirpeset* does not deserve a *mezuzah*, it may enable the following possibility. Just like an entrance from a non-*mezuzah*-entity into a house requires a *mezuzah*, so does a non-*mezuzah*-entity *mirpeset* need one going into the house. Then, you would need a *mezuzah* going into the house, on the right side (see *R. Akiva Eiger* to *YD* 186:13).

In summation, there are many indications in different directions. We would be tempted to suggest a *mezuzah* on each side, but we must not do that (see our column, *Kedoshim* 5774). We recommend affixing it on the right coming **into** the living room, doing so along with a *mezuzah* for a definitely required location, so one can “share” the *berachot*.

### “Behind the Scenes” Zoom shiur

Eretz Hemdah is offering the readership to join in [Rabbi Mann's weekly Zoom sessions](#), analyzing with him the sources and thought process behind past and future responses. Email us at [info@erezhemdah.org](mailto:info@erezhemdah.org) to sign up (free) or for more information on joining the group.

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



# Igrot HaRe'aya - Letters of Rav Kook

## Raffle of Property in Eretz Yisrael for Tzedaka – #220

**Date and Place:** 25 Menachem Av 5669 (1909), Rechovot

**Recipient:** An open letter, apparently sent broadly, in *Eretz Yisrael* and the Diaspora, as part of a fundraising project.

**Body:** It is already known to the masses how great and holy the sacred *yeshiva* and the lower-school *yeshiva* in Meah Shearim is. It is one of the most important parts of Jerusalem, the Holy City, may it be rebuilt and established. It is unnecessary to bring proof about things that are well known.

However, now the holy institution is in a horrible situation of financial distress. The administrators, who are great rabbis, including the brilliant rabbi who is famous for his Torah and his fear of Heaven, Rabbi Shaul Chaim, the Rabbi of Dobrovna, decided that it is correct to raffle off the estate they own in the *Moshava* of Chadera, which is within *Eretz Yisrael*, may it be rebuilt and established. The area of the land in question is 220 dunams (approximately, 55 acres). Alas, such an act should find grace and honor in the eyes of our dear brothers, who love our Desired Land, whether they are far (i.e. live in the Diaspora) or near (i.e., live in *Eretz Yisrael*). There is little more that needs to be said.

[This is a special opportunity for more than one reason.] For one, by joining in the support of a holy institution, by buying raffles, people are strengthening those who are building [the Jewish community of *Eretz Yisrael* and specifically] this wonderful institution of Torah and distinction, which is located on the heights of the Holy Mountain, in Jerusalem, the Holy City, may it be rebuilt and established.

Additionally, those who win the raffle, how good is their part, and how pleasant is their lot, to merit receiving a piece of land and an estate in the Holy Land. This is especially significant at this time, which is a time of building, thank G-d. It is a time at which the Spirit of Hashem is on His nation to enable them to return to their estate in an ever-increasing manner.

It is a special opportunity, in that even those raffles that will not be “winners” will still enable their holders to receive four *amot* of land in *Eretz Yisrael*. This is both a piece of land in the estate of Hashem, and also, an opportunity to take part in fulfilling the Land-based commandments. This makes [those who buy raffles fortunate] and does good for them.

I sign with blessings from the holy mountains to everyone who lends a hand in support of the pillars of the holy Torah and the pillars of the settlement of *Eretz Yisrael*, which are both things that are loved for eternity.

# P'ninat Mishpat

## Repercussions of a Sale that Turned Out Not Happening – part II

(based on ruling 83045 of the Eretz Hemdah-Gazit Rabbinical Courts)

**Case:** In 2013, the plaintiff (=pl) sold a “residential unit” to the defendant (=def), who planned to rent it out, for 380,000 NIS; def paid only 38,000 NIS. Pl allowed def to do major renovations in the unit before further payment was made. Def discontinued payment, and the sides went to secular court to determine blame for the sale stalling. In 2016, the court ruled that def was in breach of contract and had him vacate the unit. In the meantime, def had control over the property for around 35 months. During almost all of this time, def received rent from renters (the court had assumed, as of 3 months before it was returned to pl, that it was 60,000 NIS). The sides agreed that *beit din* should accept the court’s findings as the binding basis of the adjudication in *beit din*. Pl demands to receive the rent def took; neither side knows exactly how much def received. The two sides also disagree about damages to the unit during this period, with pl claiming he paid a contractor 30,000 NIS to fix them. Pl also wants def to pay for expenses of the sale, which became moot – lawyer’s and realtor’s fees and *mas shevach* (tax on real estate appreciation). Def claims to have spent 67,000 NIS on renovations, which made the unit fit for rental, and he demands to be reimbursed. Def wants to invoke a statute of limitations on many of pl’s claims.

**Ruling: Proceeds of rent:** Since the court ruling had been to void the sale based on a crucial breach, pl deserves to have received the rent. Def had told the court that he received 2,000 NIS for most of the time of the rental and had not given it to pl because it went toward paying for the renovations. Def claims to never having admitted receiving 60,000 NIS, but just providing the basic framework. In fact, def claims that some of the renters did not pay and that they had to pay for repairs between renters. However, neither pl nor even def has a record of how much was received. In a case in which both sides agree to an obligation and neither knows the amount, the Shulchan Aruch (Choshen Mishpat 75:18) has two opinions as to whether the defendant is totally exempt from the difference between the highest and lowest possible amounts or there is a moral obligation to work out a compromise. The Shach (ad loc. 67) follows the opinion of exemption. However, one of the reasons given for the exemption is that just as the defendant is at fault for not knowing how much he owes, so is the plaintiff at fault for not knowing how much he deserves. In this case, since pl had no way of knowing how much def received from renters, we will employ a mechanism of compromise (the calculation came out to 56,550 NIS). Def does not have a right to subtract from this amount for upkeep, because he was not acting with the authorization of the homeowner (see Ketubot 79b). We will discuss separately charges for improving the unit.  
*We will continue with other elements of the dispute next time.*

Comments or questions regarding articles can be sent to: [info@erezhemdah.org](mailto:info@erezhemdah.org)

<i>We daven for a complete and speedy refuah for:</i>		
Nir Rephael ben Rachel Bracha Ori Leah bat Chaya Temima	Arye Yitzchak ben Geula Miriam Yerachmiel ben Zlotta Rivka Tal Shaul ben Yaffa	Neta bat Malka Meira bat Esther
Together with all <i>cholei</i> Yisrael		

**Eretz Hemdah** is the premier institution for training young rabbis to take the Israeli Rabbinates' rigorous Yadin Yadin examinations. **Eretz Hemdah**, with its distinctive blend of Religious Zionist philosophy and scholarship combined with community service, ensures that its graduates emerge with the finest training, the noblest motivations resulting in an exceptionally strong connection to Jewish communities worldwide.