



# HEMDAT YAMIM

חֵמְדָּה יָמִימִים

## Parashat Hashavua

Naso, Sivan 9 5784

Harav Shaul Israeli zt"l  
Founder and President

### “Do Not Disregard the Practices of One’s Mother”

Ideas from 5704 (1944) – Harav Shaul Yisraeli – from Siach Shaul, p. 368-9

The *midrash* (Bamidbar Rabba 11:5) learns the following from the first *beracha* of *Birkat Kohanim* (Bamidbar 6:24): “He will bless you’ – with sons; ‘and He will guard you’ – with daughters.” Although blessing usually finds expression in the addition of positive elements, still one should realize the importance of just holding on to what he already acquired. If one knows how to acquire riches but does not know how to protect them, he did not benefit from acquiring in the first place, except for exercising his ability to toil.

It is traditionally accepted (ed. note – with noticeable change since this was written 80 years ago) that a woman’s nature is not to create new phenomena. She is not in contact with the new. All of her honor is inward (see Tehillim 45:14). However, she watches with great care and great insistence that which she is given – more than a man does. In many homes, the “fragrance of Judaism” has waned, but the women have still preserved it in their kitchens. That is where the woman is in charge, and that is where she prevents changes from occurring.

The *gemara* does tell a story of criticism of a woman. She was married to a holy man, and she would fasten his *tefillin* to his arm. When he died, she married a tax collector, and then she would fasten the seals of a tax collector (a frowned upon profession) onto his arm (Avoda Zara 39a). That is because her level of righteousness depends on the environs she finds herself in, which sets its imprint upon her. However, once the “imprint” is set, it remains forever.

This watchfulness is especially important in our times and in our [type of] community. We (Rav Yisraeli was the founding rabbi of the Kfar Haroeh, an important religious *moshav*) are involved in new forms of living, or actually in the renewal of a type of life that we lost and forgot as time went on. That which is new is attractive to the heart and exciting. It is a great danger that the new will be built to a great extent on the foundation of belittling the old, without remembering that the new has a leg to stand, a future, and value only to the extent that it is based on the old.

It is important for us to stress repeatedly the side of conservatism, which includes being careful and exacting about all accepted practices. I refer not just to being careful over halachic matters but even to be careful about matters connected to the customs of the Jewish People. Even those things that are called “*yikhat em*” (see Mishlei 30:17), things that our mothers were careful about, are valued like laws of the Torah themselves.

There are times when people are fooled into wanting to do an action that has great prominence from an external perspective, thinking it is better than that done in a more private manner. However, the outcome is of little-to-no value, and the impression it leaves dissipates quickly and disappears as if it never existed.

*Chazal* proclaimed: “We only try to strengthen those who are strong” (Psikta, Naso). Only those who are in tune with the idea of strengthening will benefit from the exhortations. For them, that which is done will not be lost but will give fruit.

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# Ask the Rabbi

by Rav Daniel Mann

## Shalom Zachar without the Baby and Parents

**Question:** My son had a baby boy today (Thursday). He will be staying with his wife in the hospital over Shabbat and does not expect to make a *Shalom Zachar* there. Is there a point for a grandfather to make the *Shalom Zachar* without the baby and his parents?

**Answer:** The *minhag* of a *Shalom Zachar* is mentioned by a couple of *Rishonim* and may have a source in the *gemara*. The *gemara* (Bava Kama 80a) mentions an *Amora* going to a *shavua haben* or *yeshua haben*. While Rashi relates this to a *pidyon haben*, Tosafot cites an opinion that it was to celebrate the birth of the baby, who was safely extricated from his mother's womb. The Terumat Hadeshen (I:269) connects it to the *minhag* that existed in his time and ours, to have a celebration with food on the night of the baby's first full Shabbat. (The Orchot Chayim (Mila) says something similar.) The Rama (Yoreh Deah 265:12) cites this *minhag* as standard, and it is so for Ashkenazim to this day. (Sephardim have a similar observance the night before the *brit* called a *Brit Yitzchak*, and some *Ashkenazim* also do a practice called "*vach nacht*" that night). The question of whether it is better for the nuclear family to do it alone or for grandparents to have one with greater participation is a good one.

Several explanations are given for *Shalom Zachar*, and, at first glance, they influence the answer to your question. The Terumat Hadeshen (ibid.) relates it to celebration of the birth, which should include thanks to Hashem, which makes it a *seudat mitzva*. Anyone who feels connected can thank Hashem for that, but parents most so.

A *midrash* (Vayikra Rabba 27:10) tells that the timing of a *brit mila* significantly ensures that babies "experience" Shabbat before undergoing a *brit mila*. This makes the day significant in the baby's life, but his presence should not be necessary. Teshuvot V'hanhagot (II:202) similarly says that we find in a few contexts that the Shabbat before a major event captures some of its glory, which makes it fit for looking forward and, in this case, thanking Hashem. The parents are most connected to the baby and the father alone is obligated in the *brit* (Kiddushin 29a), but, again, anyone who cares about the baby can be connected. Certainly, grandparents, who are expected to have a special connection to the child's spiritual future (see Shemot 10:2; Devarim 4:9; Rambam, Talmud Torah 1:2) are also significant.

The Derisha (YD 264:2) says that at the *Shalom Zachar*, we console the baby for the loss of the Torah he studied in his mother's womb (based on Nida 30b). This could lead to the conclusion that the baby must be at the *Shalom Zachar* to be consoled (Teshuvot V'hanhagot II:202). The fact that it is often done even without the baby can be attributed to the other reasons (ibid.). Furthermore, even the consoling does not have practical impact (not meaning to insult the baby's intellect), but is spiritual or perhaps symbolic. So it is possible that "consolation" can be gained when people gather in the baby's honor and bless him in abstentia.

Is the participation of people outside the nuclear family important? Many sources (including the early ones) refer to people coming. Considering there is no ceremony and the food served is minor (see Aruch Hashulchan, OC 265:37), the visitation is apparently central to the event (see explanations in Osin B'simcha, Ma'amar 4).

Considering the above, it is fully appropriate for you to make a *Shalom Zachar*. This does not exclude the parents doing something low-key at the hospital, and they can "turn it into" a *Shalom Zachar* by eating traditional *Shalom Zachar* foods (e.g., chickpeas, almonds), thanking Hashem for the birth, and discussing the upcoming *brit's* significance.

We are reluctant to pressure those dealing with the work that a new birth brings to quickly arrange multiple events. We understand that it may not always be feasible to do a "real *Shalom Zachar*" (it need not be extensive or fancy). However, a child's birth is MAJOR in Judaism, and, when possible, the baby and Hashem deserve due regard according to our holy *minhagim*.

### "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

## Semi-solicited Advice to Calm Down Petach Tikva– #227

**Date and Place:** 8 Tishrei 5669, Yafo

**Recipient:** The Council of Petach Tikva. In this time-period, there was great tension between the “old guard” of Petach Tikva and younger, more liberal elements. Rav Kook was the head of a panel of seven who made extensive rules (released three weeks earlier) for the leadership of the *moshava* especially in preparation for voting. Rav Kook was also given authority to resolve by himself certain questions that would arise.

**Body:** My beloved, respected brothers, I have a holy obligation to add words to what we discussed yesterday, when you honored me with your visit to my house. First, I make a short prayer to the Master of Peace that He will enable my words, which emanate from a deep place in my soul, to arrive safely in your pure hearts, so that they will promote a foundation of peace in our dear *moshava*, your and our Petach Tikva, may it develop well.

I am protesting quietly the letter that I received today, due to the honor of its signees. I am depending on the delicateness of your elevated spirits, that like me, you realize the responsibility is too great this time to find the exactly correct degree [to which to aim the urgency of these words].

Therefore, I must respond without being asked to do so, in the manner of one with a dependable love, who strongly desires you to have peace and good fortune. I am requesting that you try now to compromise, in pursuit of peace, on the degree of the amount of taxes being demanded based on the court ruling, based on my decision. Find, with the wisdom of your hearts and the rectitude of your spirits, how to proceed in a well-balanced manner. Use the power of legislation to ensure discipline regarding the payment of taxes for the coming days in a prudent manner, as is fit for an organized and fresh *moshava*, which shall be successful with divine assistance. On the other hand, erase the excesses in regard to the matter of the recent elections. Do not allow the victory of one party to be too impactful, for blessing always comes along with balance.

I also want to speak clearly about all matters upon which there may be disagreement. Regarding the voting process, a committee should be chosen by the two parties, and those chosen should choose a neutral party that they both agree to.

If my eye condition did not make it difficult for me to write, I would write at length pleasantries, as befits such respected people as you, that are appropriate under the circumstances you are in. In any case, I hope that you will come out [of this period] with honor and grandeur, adorned by the glow of peace and the crown of bravery that befits one who demonstrates self-control, which is the most beloved glory of the valorous.

Now I must end my letter, doing so with every feeling of blessing and reliable love, as we look for national salvation and the raising of the stature of Israel and the spreading out of a booth of peace on Hashem's nation and land. I have in mind to bless every individual who helps the foundation of peace in the *moshava* with a good year, adorned with everything good, with an abundance of long, productive life and peace.

I do not need to explain to honest people like you that all means that the council develops to alleviate the difficulty of making municipal payments, if they do so, will be done without discrimination between one party and the other. Also, they should not look for stringencies in the process of setting up voting groups and becoming a committee member. These are all things that I will strongly trust the council to do itself with the most complete attribute of honesty.

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

Nir Rephael ben Rachel Bracha  
Ori Leah bat Chaya Temima

Arye Yitzchak ben Geula Miriam  
Tal Shaul ben Yaffa

Neta bat Malka  
Meira bat Esther

Together with all *cholei* Yisrael

# P'ninat Mishpat

## Profits from Formerly Joint Swimming Pool – part II

(based on ruling 81110 of the Eretz Hemdah-Gazit Rabbinical Courts)

**Case:** The defendant (=def) owns vacation units. In 2013, the plaintiff (=pl) agreed to install at def's location a large but movable swimming pool for def to operate. No written agreement exists regarding the terms of profit sharing. In 2021, pl demanded to get the pool back and was told that it was dismantled. At that time, def wrote a signed admission that the pool belonged to pl, that he used it, and that he had to pay for its value. Later in 2021, def informed pl that the pool had been burnt in a brush fire. Pl claims that he was to receive all of the profits from the pool until they covered its cost (16,769 NIS) and subsequently, they would split them equally. (Pl guesses that the direct profits were 48,000 NIS, and he points out that its presence boosted def's business). So far, he has received nothing. Def claims he stopped using the pool in 2015 due to its lack of a water heater, and that he made his own pool by excavating a boulder. Although he made up with pl to sell the pool, he did not succeed to do so. Def claims that he signed the admission because pl was embarrassing him publicly and that it is not true. He admits to needing to share some profits, but, giving no estimate of how much, just claimed that pl exaggerated profits.

**Ruling:** Last time we saw that pl owned the pool but needed proof for his version of the profit sharing. We saw that the assumption is that def's continued use of the pool after the decision to stop the partnership obligated him to pay.

**Length of time the pool was used** – There now is a pool on a boulder and there are testimonies of its use somewhat before 2021. However, def also claimed that there was a time he used another pool, and for this def has no proof, and thus there is no reason to accept the existence of an unknown one. Therefore, the testimonies of use of a pool from 2013 on will be understood as referring to the pool in question. Def's admission in early 2021 of use of pl's pool implies it happened in the not distant past. Therefore, we will assume usage through the end of 2018.

**Responsibility for damage to pool** – Any damage based on the wear and tear of use is not def's responsibility because he was allowed to use the pool. Regarding the fire, since def had already asked pl to take care of the sale and by that time was not using it, def was obligated only for negligence, which was not demonstrated (see Rama, Choshen Mishpat 120:2).

**Expenses of the adjudication** – According to the majority of *dayanim*, since def did not keep a calculation of how much profit there was to share and because he did not pay anything for years, until the adjudication, he improperly caused the need for adjudication and must therefore pay pl 4,000 NIS for it. According to one *dayan*, since during the adjudication, def cooperated reasonably, and he was required to pay based on it (see next time), it is not justified to make him pay extra for expenses.

*The heart of the ruling, how to calculate the actual obligation, will be presented next time.*

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

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