



HEMDAT YAMIM חֵמְדַת יָמִימִים

Parashat Hashavua **Noach, Cheshvan 1, 5785**

Harav Shaul Israeli zt"l
Founder and President

Hamas and the *Parasha* Harav Yosef Carmel

Our *parasha* tells us that the land was destroyed before Hashem, and the land was filled with *chamas* (Bereishit 6:11). Our recent experience taught that when the land is full of Hamas, the land is destroyed. A year ago, these lowly murderers penetrated our country, killing without distinction, but with clear intent to be cruel. Those who were not killed were all too often kidnapped. Terrible acts that are tantamount to murder were carried out against women. Mass looting and destruction of communities was perpetrated along with the murder.

This should make us think about a human being's responsibilities from a Torah perspective and what results from a lack of compliance to them. These are also addressed in the *parasha*. Sanhedrin 56b provides the sources for the seven Noahide Laws in Bereishit and Noach. These *mitzvot* are the basis for the existence of a healthy, sustainable society. Most of them focus on basic human principles, as we will illustrate.

1. Establishing a judicial system based on the principles of justice – this includes protecting the weak and ensuring a peaceful society. It should prevent theft and extortion and punish criminals to prevent recurrence of crime.
2. Incest and adultery – sexual abuse within the family uproots the integrity of the family unit, which must protect its members. The prohibitions include disregard for the holy bond between man and wife. Also, there is concern of the powerful taking advantage over those in weaker positions.
3. Taking the life of another – the atrocity of murder is a cornerstone of any society. People must not take the lives of others, irrespective of religion, race, or gender; everyone is created in Hashem's image. When victims are helpless, the moral affront is even higher.
4. Theft – everyone has the right to accumulate wealth. The laws that govern society must prevent outright thievery and other, more subtle forms of financial corruption, including unfairly selective taxation.
5. Eating a part of a live animal (*ever min hachai*) – The prohibition sends a clear message that it is important for humanity to curb cruelty even toward animals.

Thousands of years ago, the Torah set up a set of values, which still represent the basis of a proper society. Notice the horrible sins of the Hamas organization and how it has, over years, disregarded basic rules of decency, starting with among their own people, and when the opportunity arose, among large portions of the citizens of the State of Israel. They do not respect even one of the principles listed above. They do not have a judicial system based on justice, do not protect their own citizens, and certainly have no respect for the lives and property of Israelis. They sinned in the realm of sexual impropriety. They even stole from and financially abused Gazans. Their regard for avoiding cruelty is non-existent. For all of these reasons, they do not deserve to be treated like a government and deserve no respect on any level.

It is a halachic necessity to fight against Hamas' infrastructure and all its members from top to bottom. Terrorists do not deserve all of the rights that a normal person does, but we should be careful to minimize harm to innocents, whom we correctly enabled to flee areas of fighting. May Hashem protect our brave forces who are involved in carrying out these moral imperatives.

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

Rav Shlomo Merzel z"l Iyar 10, 5771	Rav Yisrael Rozen z"l Cheshvan 13, 5778	Mr. Moshe Wasserzug z"l Tishrei 20, 5781	Rav Reuven & Chaya Leah Aberman z"l Tishrei 9, 5776 / Tishrei 20, 5782	Prof. Yisrael Aharoni z"l Kislev 14, 5773
R' Yaakov ben Abraham & Aisha and Chana bat Yaish & Simcha Sebbag z"l	R' Yitzchak Zev & Naomi Tarshansky z"l Adar 28, 5781/ Adar II 14, 5784	Mr. Shmuel & Rivka Brandman z"l Tevet 16 5783/ Iyar 8, 5781	R' Meir ben Yechezkel Shraga Brachfeld z"l & Mrs. Sara Brachfeld z"l Tevet 16, 5780	
Rabbi Dr. Jerry Hochbaum z"l Adar II 17, 5782	Rav Asher & Susan Wasserteil z"l Kislev 9 / Elul 5780	R' Abraham & Gitta Klein z"l Iyar 18 / Av 4	R' Benzion Grossman z"l Tamuz 23, 5777	
R' Eliyahu Carmel z"l Rav Carmel's father Iyar 8, 5776	Mr. Shmuel & Esther Shemesh z"l Sivan 17 / Av 20	Mrs. Leah Meyer z"l Nisan 27, 5782	Mrs. Julia Koschitzky z"l Adar II 18, 5782	Rav Moshe Zvi (Milton) Polin z"l Tammuz 19, 5778
Mr. Zelig & Mrs. Sara Wengrowsky z"l Tevet 25 5782 / Tamuz 10 5774	R' Yitzchak Eliezer ben Avraham Mordechai Jacobson z"l, Elul 15	Nina Moinester, z"l, Nechama Osna bat Yitzhak Aharon & Doba z"l Av 30, 5781		

Hemdat Yamim is endowed by Les z"l & Ethel Sutker of Chicago, Illinois,
in loving memory of Max and Mary Sutker & Louis and Lillian Klein z"l

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



Eretz Hemdah
Deans: Harav Yosef Carmel, Harav Moshe Ehrenreich
2 Bruria St. corner of Rav Chaya 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 info@erezhemdah.org
Donations are tax deductible according to section 46 of the Israeli tax code

Ask the Rabbi

by Rav Daniel Mann

Kiddush and Havdala in Shul

Question: In America, I remember that the *shuls* made *Kiddush* on Friday night and *Havdala*. In Israel, this is not standard. What is behind the different *minhagim*? Are *Kiddush* and *Havdala* dependent on each other in this matter?

Answer: *Kiddush* and *Havdala* have similarities in this regard, but also differences.

Kiddush in *shul* is presented as a given in the *gemara* (Pesachim 101a), the purpose being to facilitate the *mitzva* of *Kiddush* for visitors who eat in *shul*. *Havdala* in *shul* is not mentioned in the *gemara*, but the Tur (Orach Chayim 295) and Shulchan Aruch (ibid. 1) mandate it to be *motzi* those who do not have wine at home. *Havdala* in *shul* has precedent centuries earlier, as we see in the *Mi Sheberach* after *Yekum Purkan*, where we bless those who “give [the congregation] wine for *Kiddush* and *Havdala*.”

Kiddush and *Havdala* in *shul* share the general question of whether to suspend ritual practices whose original justification are barely relevant in our days. After all, it is rare to have a visitor eat in *shul*, and it is rare for people to not have wine at home.

The main attack on the old *minhag* on those grounds is found only regarding *Kiddush* (see Tur and Shulchan Aruch, OC 269:1). The Tur attacks, on fundamental grounds, the continued practice of *Kiddush* when there are no guests, but seems resigned to it in practice. He mentions (and rejects) Rav Natrunai’s explanation that we continue the practice because the wine of this *Kiddush* is therapeutic for an eye malady and not everyone has wine at home. The Shulchan Aruch brings two opinions as to whether to continue the *minhag* without good reason. He prefers discontinuing it and says that the *minhag* in *Eretz Yisrael* is not to do it. (Nusach) Ashkenazi *minhag* has been to do *Kiddush* in *shul* (Mishna Berura 269:4), perhaps powered by the Magen Avraham’s (69:3) approval. Regarding *minhag Eretz Yisrael*, Rav Frank (Har Tzvi, OC I, 153) said that in Yerushalayim, *Kiddush* should not be made in *shul*, but elsewhere in Israel both *minhagim* are acceptable (see also Dirshu 269:11)

In contrast, regarding *Havdala*, the Tur and Shulchan Aruch (OC 295:1) take it as a given. While one can argue that it is more common for people to lack wine than for *shuls* to have eating guests, the main difference is something else. Friday night *Kiddush* contains *berachot* which if no one is having a meal at the place will be *l’vatala* (see Tur, OC 269). In contrast, because *Havdala* can be made anywhere, there is no fundamental reason for there to be a *beracha l’vatala*. The one thing that can go wrong with *Havdala* in *shul* is that sometimes no one wants to be *yotzei* with it. Whoever needs to make *Havdala* at home **should not** be *yotzei* at that time because it is very questionable whether he would then be permitted to make it for his wife and daughters (Mishna Berura 296:36; for explanation, see Living the Halachic Process, II, C-8). Even sons of the family who are in *shul* usually **do not** have in mind to be *yotzei* with the *shul Havdala*, although they could if they wanted to (see Mishna Berura 596:33). If no one including the one making *Havdala* is *yotzei* with it, it too can be a *beracha l’vatala*. A proper thing, which many *shuls* do, is to have a single man, e.g., including an over bar mitzva son of one of the families, make *Havdala* and have in mind to be *motzi* himself and anyone else who wants to be *yotzei*.

“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 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

The Need for a Broader Education – #274

Date and Place: 8 Adar I 5670, Yafo

Recipient: Rav Baruch Meyers, head of the rabbinical court of Haifa.

Body: I will respond to your comments on the current state of religion. What can I say to you? The general situation has wounded my heart severely! There appears to be no one left to raise the banner of the Name of Hashem and His Torah in the Holy Land. Occupying myself with this idea makes my heart churn and be tempest-tossed. I found no straightforward manner to begin to act against it.

Unfortunately, it is very difficult for me to come to peace with the approach of the majority of today's leading Torah scholars. They want to follow the old path, which is to distance everyone from any skill and activity that is related to life [outside directly religious activity]. It is clear to me that this is totally against the path of Hashem. In this way, they assist the wayward sinners and their supporters. Woe unto us from these great rabbis' humility, even despite their laudable intentions.

We are compelled to support the form of education that includes knowledge of the world and life and leads children with a spirit of excitement about life, with vigor and boldness of the heart, with cleanliness and proper flourishes. All of these things join together with a path into the world of Torah and honest fear of Heaven, and they actually crown it and strengthen it. At the end of the process, the evil angel will have to respond "Amen" [to the achievements attained]. What can I do about the fact that, although I am certain this is the way to proceed, I find myself in a heated battle with those to the right and to the left?! Still, I hope that His Blessed Name will give me the strength to carry the banner of truth proudly, so that holiness will triumph.

Dear colleague, all of these major matters are interdependent. Most of those who learn Torah, including the generation's leading scholars, do not concentrate on becoming great in the proper approach to fear of Heaven, with the great breadth that befits leaders of the nation. Therefore, they lack the skills to embark on new roads that are appropriate for the times and align them to lead to sanctity. This forces them, according to their perspective, to cling to the exact style in which education was approached in the past, without using any of the new approaches' positive points, which could be useful for our generation according to its status. They will not admit, under any circumstance, that a major area of study, which is inclusive to all of Torah and all of belief (ed. note – i.e., Kabbala) is totally lost to them, which is why they grope for a way forward in the afternoon as if it were pitch dark.

For this reason, the masses increasingly stray and increasingly become heretics. They are not at all at fault, for no one shows them the straight path, by connecting the sanctity of Torah and belief in Hashem with active life. This causes them to become heretics. On the other hand, they possess sparks of goodness, fine qualities, and many of them fervently desire Israel's redemption and return to life in the Holy Land. Even though their understanding of the process is lowly, their intentions stand on a foundation of sanctity, as Israel's redemption includes every holy matter in the world.

The more we can find merit in even the most sinful people, as long as they do not want to fully break from the nation and join our enemies, and the more we incorporate in our education useful matters and teach our sons studies that will bring them a livelihood and human dignity, connected to the Torah, the more we add strength to the foundation of Torah.

Who can we speak to, who will agree, who will be willing to put his honor at stake in order to bring honor to Hashem, His Torah, and the sanctity of His desired Land? We hope that someone will act on Hashem's behalf and put in the heart of all the Torah scholars an understanding of Hashem's path of purity, and He shall soon save Israel and Judea.

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
Itamar Chaim ben Tzippi Tziporah

Neta bat Malka
Meira bat Esther

Together with all cholei Yisrael

P'ninat Mishpat

Dispute upon Ending Rental

(based on ruling 83133 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The plaintiff (=p) rented out an apartment to the defendant (=def) for seven years and was unhappy with several things upon their vacating it. P/ is suing def 2,800 NIS for returning the apartment dirty; 4,200 NIS for not doing a proper job of painting; 1,950 NIS for damage to the door; 350 NIS for some damage to screens; 12,733 NIS for the counter being cracked and stained. Def claim that they left the apartment clean and painted and that they treated the apartment with care, so they should therefore not be obligated to pay anything.

Ruling: This ruling is generally based on two broad principles. 1) When there is a doubt as to whether a litigant should be able to extract payment, we say that the one who wants to do so is not believed without proof. 2) When it appears that one is obligated to pay, but an expert is needed to determine how much and the expense of hiring an expert for a relatively small claim is illogical, *beit din* rules based on compromise.

Regarding painting, the contract states that the apartment must be returned painted. Pictures that p/ presented show areas that are not reasonably painted. While the price estimate p/ presented is reasonable, it is not necessary to redo the whole paint job, as the pictures show that only fixing up, and not redoing, is necessary. Since this type of work does not even require a professional, the price to be paid is 300 NIS.

Regarding cleanliness, p/ did not prove that the apartment was returned in a dirty state, and therefore the majority of *dayanim* rule that def are exempt. According to one *dayan*, the implication of def's presentation leaves room to believe that the cleanliness was somewhat sup-par, but that can be remedied by a cleaning that costs 250 NIS.

Regarding the door, the contract states that def are exempt from paying for normal wear and tear of the apartment. Pictures indicate that the door is not in bad enough condition that it needs to be replaced. However, it appears that the wallpaper on the door should be changed, for which we will obligate 400 NIS.

Regarding the screens, def admit they did the damage. *Beit din* concludes that this is not normal usage and obligates the reasonable claim of 350 NIS.

Regarding the counter, it is difficult to know what happened during the seven years of rental. Def deny that this is the place where the hot plate was placed and do not have an explanation as to what caused the stain and the crack. According to the majority of the *dayanim*, since there is no proof that def did anything that caused the problems, they are exempt. According to the minority opinion, we can assume that the crack was not from normal use. However, even according to that opinion, there should be no more than payment to compensate for the aesthetic deterioration, as the counter is still fully functional.

Comments or questions regarding articles can be sent to:

info@erezhemdah.org

Eretz Hemdah is the premier institution for training young rabbis to take the Israeli Rabbinate's 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.