



HEMDAT YAMIM

חֵמְדָּה יָמִימִים

Parashat Hashavua Lech Lecha, Cheshvan 8, 5785

Harav Shaul Israeli zt"l
Founder and President

The Challenge of Moving

Harav Shaul Yisraeli – from Siach Shaul, p. 23-4

One of the tests that Avraham had to pass was to be willing to sojourn from place to place. Rashi (Bereishit 12:2) points out that it usually detracts from one's fame, his accumulation of wealth, and his ability to successfully procreate.

It is not only the fact that Avraham agreed to uproot himself and move. Of significance is that Avraham also worked on his "equilibrium" while he was on the journey. When one is in his own place, he has a certain standing in his society, and he also has a way in which he goes about preserving his standing. There are usually several things that a person would contemplate doing, yet he refrains from them out of concern that they do not correspond favorably to his reputation.

In Avraham's original setting, he was well known. His status was set, and he was greatly respected. This was especially true after he prevailed miraculously in the test of the *kivshan ha'esh* (fiery furnace). It was in the direct aftermath of that wonderful event that Hashem approached Avraham with the command of "*lech lecha*." The logic is that there arose a danger that some of Avraham's actions would no longer be done with a feeling of purity, as now it was liable to be connected to a sense of rote and as an extension of what existed in the past. From that point, it became possible that he might want to rest on his laurels and enjoy the fruits of his previous successes. That indeed is a dangerous situation.

This, then, is the background for Hashem's charge of *lech lecha*. "Go to a place where they do not know you, where the test at which you will need to succeed could not possibly be completed with help of the stature you had already attained. Wander through the land and go to a place where they do not know you, where they do not understand what you have accomplished, to a place where you do not have people whom you have helped mold over the years. In that place, start from scratch."

The Torah elsewhere (Devarim 6:7, in the *parasha* of *Kri'at Shema*) discusses what one needs to do when he is in a situation of "while you walk on the path" – you shall speak about [these words of connection to Hashem]. You must not take your mind off the matters of substance even when you are involved in the difficulties of a journey. Even when it is ostensibly necessary to get up early and begin to travel before the sun heats the day up, when there is a need to take care of things you need, and it would seem justified to not pray at this time, what did Avraham do?! Avraham instituted the prayer of *Shacharit* (Berachot 26b)!

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Ask the Rabbi

by Rav Daniel Mann

An Avel Attending a Seudat Hodaya

Question: I was saved from a dangerous situation and was advised to make a *seudat hodaya*. One of the people I would most want to take part is my daughter-in-law (=dill), but she is in *aveilut* for a parent. Is it permitted for her to come, and if not, may I invite her anyway and leave it up to her, or perhaps delay the *seuda* until after her *aveilut*?

Answer: We will take a brief look at the Halacha and also the personal side.

The prohibition on *simcha* for an *avel* is most severe during *shiva*, but the *gemara* (Moed Katan 22b) says that an *avel* for a parent may not go to a wedding for twelve months. The *gemara* struggles with a category of happy social interaction called *simchat merei'ut* (of friendship), and the *halacha* is that it is forbidden for twelve months (Shulchan Aruch, Yoreh Deah 391:2).

Two main parameters are crucial on ruling in various cases. 1. How festive is the event? 2. How important is it for the *avel* to be there? Weddings are the pinnacle of festivity, yet an *avel* can go to his child's wedding because a proper wedding is unfeasible without him (see Rama *ibid.*). The Rama (*ibid.*) cites a *machloket* about taking part in the *seuda* of a *brit* and *pidyon haben* (considered low-intensity celebrations) in which the *avel* is not a principal. The Rama concludes: "The custom is to not eat at any meal in the world for the whole twelve months, if it is outside the house."

There is a *machloket* about taking part in a *seudat siyum*. The Shach (YD 246:27) says that an *avel* during the twelve months may take part in it (see also Geshet Hachayim I, 22:2:6). The Beit Lechem Yehuda (to YD 391:2) says he may only do so if he is making the *siyum*, and the Chochmat Adam (166:2) is skeptical about permissibility in light of the Rama's *minhag*. I did not find discussion of a *seudat hodaya*, but it is parallel to a *siyum* in that they are optional *seudot mitzva* (see Living the Halachic Process VI,H-3) that are not particularly time sensitive (see Shach *ibid.*) and are done in a not overly festive manner.

Since, based on the above, it is legitimate for your *dill* to take part in the *seuda*, there is nothing intrinsically wrong with inviting her. Even if the stricter opinion is more accepted in her environs, if she believes her parent would want her to be lenient, this is an important factor (see Shach, YD 344:9). There are ways for your *dill* to take part even if she is generally *machmira*. Since the main problem is joint celebratory eating rather than assembling with others (see Tosafot, Moed Katan 22b), she can be there for mingling and for the words of Torah and thanks (if there is not music playing). Another possibility, which allows even eating, is for the *avel* to have a (real) job at the event (see Geshet Hachayim *ibid.*). On the other hand, whatever is being considered, you should stress to her that you do not want her to alter her practice in this aspect of *kibbud av va'em* in order to honor you (this is important general advice regarding in-laws).

You have no outright obligation to make a *seudat hodaya*, and there are other ways to thank Hashem (including *tzedaka* and adopting laudable practices, while stating that it is *bli neder*). Since there is no strict time limit, it can make sense under the right circumstances to put off the *seuda* for weeks or a couple months so that your *dill* can take part normally, considering her centrality.

However, in most healthy relationships, it is not expected that an *avel's* limitations should change the broader family's life in a major way. (Depending on family size and sensitivity of its members, it can sometimes even be unwise). "Bending over backward" to make sure the *avel* does not miss things can also sometimes put pressure on the *avel* to take part when they do not feel comfortable doing so. We would generally say that open communication and avoiding subtle pressure on the *avel* is the best way to go about it from your perspective. Hopefully your *dill* will reciprocate with full understanding if it makes sense for you to go ahead with a *seudat mitzva* that she may choose not to take (full) part in.

"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@eretzhemdah.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 State of Religion in Eretz Yisrael – #277 – part I

Date and Place: 9 Adar I 5670 (1910), Yafo

Recipient and Background: Rav Meir Lerner, Rabbi of Altona (Germany). Rav Lerner had meant to share a public pronouncement about religious improvement, which Rav Kook did not receive. He also asked Rav Kook about the state and needs regarding Judaism in the “colonies” of *Eretz Yisrael*. Rav Kook broke issues into sections. We will not elaborate on Rav Kook’s approach on the issues that we have featured in recent weeks.

Body: It is impossible to generalize about the religious situation in the settlements, whether about the various *moshavot* or the different people in each *moshava*. Thank G-d, every settlement has many people who fear Hashem and keep Torah and *mitzvot* with all their details. Even among those people who have been caught up in the destructive flow of our times, many of them are still careful not to stray publicly from the religious consensus, due to respect and a desire for peace.

On the other hand, there is no “pile of grain without some straw in it,” especially at a time like this when a flood of young people with bad philosophies and those who violate basic Torah prohibitions have come here, and we lack the power to protest against it. This is especially true now, when the (Ottoman) government has removed the power of the religious communities to enforce religion. We can only shine the light of Torah with a generous spirit, accurate speech, and a brave heart. This can reawaken holy emotions and knowledge of Hashem even among the weak people in the nation whose spirit has fallen asleep. This is possible because they are from the seed of Yaakov and therefore will yet return to the proper path. I will now present the main areas in which we need improvement:

1. Education (*greatly shortened*) – there is a need for religious educators to teach in a manner that includes life skills, which students have been forced to receive from irreligious teachers.
2. Religious literature – We need a Hebrew-language (the primary language in the *yishuv*) literary stage which will strengthen the resolve of those who gather behind the banner of light of Hashem in the Holy Land throughout the New Yishuv. For a start, we need a “Rabbinic newspaper,” to be published under our supervision, with the help of like-minded friends, with true fear of Hashem, talent and experience in the practical world. We must arrange material and spiritual means. Specifically, we need a sum of money to ensure the paper publication for at least the first year, after which we can hope that it will support itself. Writers and spiritual helpers with good taste, of whom each is a real expert in his field, will take responsibility for their respective fields. If it is difficult in the beginning to have a regular paper, daily or weekly, we can begin with a monthly paper, featuring the happenings of the month in all endeavors in *Eretz Yisrael*, especially in the New Yishuv. It should contain proper advice about improvement of everything that requires it. It should contain advice on waging a defensive war against those who are destroying religion, insights into all elements of Judaism, including land-based laws and matters connected to them. Obviously, such a publication will not leave out any subject that affects people’s lives, even if they are not directly related to holy religion. Everything joins together to strengthen the connection between the spirit of Hashem and His nation and lot, with all being done in holy purity and a pure spirit that is trustworthy to Hashem and His Torah.
3. Community rabbis – We must try to ensure that every *moshava* will appoint a local rabbi, who is great in Torah and fear of Heaven. He must love the settlement of the Land and have affection for agriculture in the Holy Land, when it is done in an honest, desirable manner. He must be a talented speaker, who will talk periodically about practical ethics filled with wisdom and emotion for that which is holy in a manner that will attract hearts with his gentle speech to the path of Hashem.

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

Nir Rephael ben Rachel Bracha
Ori Leah bat Chaya Temima

Itamar Chaim ben Tzipporah
Arye Yitzchak ben Geula Miriam
Tal Shaul ben Yaffa
Together with all *cholei* Yisrael

Neta bat Malka
Meira bat Esther

P'ninat Mishpat

Proof Needed to Remove a Squatter – part I

(based on ruling 81116 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The plaintiff (=pl), an educational organization that has a *kollel*, have been operating for many years out of a property (=prp) owned by a municipality (=mun). In 2021, they rented out part of prp to the defendant (=def), a yeshiva, for a year, for 20,000 NIS a month. Toward the end of the year, pl informed def that the rental would not be renewed and that they must vacate prp. When def refused to leave, pl placed locks on the doors to keep def's students out. Def asked *beit din* for a restraining order to remove the locks and allow def in. *Beit din* rejected this request, yet def ignored the ruling and got in. Pl asked *beit din* to have def removed and make them pay the unpaid portions of their rental and, looking forward, 1,000 NIS for every day they do not vacate. Def claim that pl has no right to remove them or demand money because pl are neither the owners nor the organization that was given control of the property, which was org2. Pl says that since org2 were unable to finance building on prp and operating there, they gave pl, who paid substantially, all such rights.

Ruling: [We will look at various elements of this long psak din over several weeks. We first look at def's claim that no one but mun has a right to remove them.]

First we will determine the matter of control over prp. There are no contracts that give org2 rights over prp. However, this is not proof that they do not have such rights. A state comptroller report criticized municipalities throughout Israel, prominently including mun, for not documenting the legal status of many hundreds of organizations that occupy properties the municipalities own. Furthermore, mun obligated org2 to pay municipal land taxes for its use of prp, and org2's public financial reports have listed themselves as having rights over prp without ever being questioned over it. In def's claims before *beit din*, they also treated org2 as having rights (as opposed to pl).

Def claimed that since mun set prp as a place where Torah-related activities of the community should be held, they have as much right as anyone else to be there and cannot be removed by non-owners. *Beit din* rejects this claim outright. It does not make sense that org2 should build with permission on public property and pay municipal taxes and yet def will get to use it as they please without permission from mun or org2. Therefore, absent of agreement, def's status in prp is not of a *muchzak* (one with practical control), but of a *tofes* (squatter).

The complication is that at this point in the litigation, org2 has not clarified their exact relationship with pl regarding prp. Thus, we need to look into the claim of one who is in a property without claims to rights to it but refuses to be removed by another, who does claim ownership without their proving that ownership.

We will continue from this point next week.

Comments or questions regarding articles can be sent to:
info@erezhemdah.org

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