



# HEMDAT YAMIM חֵמְדָּה יָמִימִים

## Parashat Hashavua Chayei Sara, Cheshvan 22, 5785

Harav Shaul Israeli zt"l  
Founder and President

### Tanach is One Book Made of Pieces that Must Be Connected

Harav Yosef Carmel

Every Jewish child knows that Avraham sent Eliezer to find a wife for his son Yitzchak. However, the Torah text (in Bereishit ch. 24) speaks (thirteen times) just of Avraham's unnamed "servant," so how do we know that his name was Eliezer?

The Torah section begins with the impressive titles for the servant – "the elder of his house" and "who controls everything that [Avraham] had" (ibid. 2). *Chazal* (including in Yoma 28b) are confident that this is Eliezer, who they call "an elder who sat in the academy." His name comes up in Lech Lecha (15:2), where he is described as "ben meshek of my house" and "of Damasek," which *Chazal* interpret with the Hebrew words for "draw and give to drink" from the Torah of his master to others. Thus, they connected the accounts written two *parshiyot* away from one another, and especially the descriptions of him, to claim that they refer to one person.

*Chazal* also attribute to him the *pasuk* in Mishlei (13:25), "The righteous eat so that their spirit is satiated." The *midrash* (Bamidbar 21:20) says that this refers to Eliezer, as he asked Rivka for a little to drink, as the righteous person did not need to ask for more.

We will now look at some principles that *Chazal* used to explain *p'sukim* of *Tanach* such as ours. Seder Olam Rabba taught us that "Scripture does not come to leave things unclear but to elucidate" (ch. 1). Talmud Yerushalmi expresses the idea as follows: "The words of Torah are poor in one place and rich in another" (Rosh Hashana 3:5). In other words, *Tanach* explains itself, as in one place the text will be poor and closed, but the information can come from a "richer" context. This gives a powerful tool of exegesis – finding connections between texts.

The fact that the word *bayit* (house), with similar conjugations, is found in both contexts, hints to connect the two and assume they are talking about the same "central character." When the use of the same word appears in a halachic context, it is called a *gezeira shava*, and that can be used for derivations only when an existing tradition calls for it. In a homiletic context, there are no such limitations.

The rules we have mentioned are based on the assumption that in the first stage, the entire Torah was given from the Heavens as one book. After that, in stages over a long period of time, the books of *Nach* were given and the process was completed when the Men of the Great Assembly, with powers of prophecy and/or Divine Spirit, sealed the group of books we know as *Tanach*. From that critical time, *Tanach* became one work that explains itself, one section from another.

Why would the information on one matter be split among different works? The prophet Yirmiyahu answers that question based on the principle that the one ultimate source for all of the sections of *Tanach* is Hashem. If so, the information got to us through the books' "fall" from the highest of places, during which process they were "broken to bits." Only when the pieces are put together again do we receive the ability to understand matters in depth. Yirmiyahu sums up this phenomenon with the *pasuk*: "Indeed this is My word, which is like fire, says Hashem, and just as a hammer smashes a stone" (23:29).

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# Ask the Rabbi

by Rav Daniel Mann

## Should Kiddush Levana Be Done with a *Minyan*?

**Question:** We usually do *Kiddush Levana* outside *shul* on *Motzaei Shabbat*. Is it supposed to be done with a *minyan* or some other minimum number of people?

**Answer:** *Kiddush Levana* is mentioned by an early *Amora* (Sanhedrin 42a). Early sources do not connect it to a *minyan* or to *tefilla*. The *Pri Chadash* (226:1) tries to prove it does not require a *minyan* from the fact that the *mishna* (Megilla 23b) does not list it as one of the things that requires a *minyan*. This implies that *Kiddush Levana*, which does not appear in *Tannaic* sources, was instituted before that *mishna* was written. Some point out that the *gemara's* language is singular. One way or another, there is insufficient source and/or logic to **require** a *minyan*, and the broad consensus is that one fulfills the *mitzva* even by doing it by himself.

That being said, many *Acharonim* (see Magen Avraham 426:6) have the *minhag* to try to have a *minyan*, applying to it a general rule in ritual matters: *b'rov am hadrat melech* (=brahm; the greater number of people who take part together, the greater the honor to Hashem). If that is **the** reason, it is clear why the *mitzva* counts without a *minyan*, as *brahm* is a classical *hiddur* (improvement to a *mitzva*) whose absence does not, as a rule, disqualify *mitzvot*. There is an opinion that because it is a *beracha* of *shevach* (praise), and it is seen as greeting the Divine Presence, a *minyan* is particularly important (Teshuvot V'hanhagot I:205). (The idea of it being a *birkat hashevach* is not very convincing, as the *gemara* sounds like it resembles other *berachot* in which we praise Hashem for natural phenomena (e.g., on thunder, seeing great bodies of water), which are not as a group.) The way the practice has developed, there is another gain in having a *minyan*, since we recite *Kaddish* after it (see Kaf Hachayim, Orach Chayim 426:13).

There is a question about what is needed to attain *brahm* status. There is an opinion in the *gemara* (Gittin 46a) that three people constitute *rabim* (many or public) (the other opinion says ten), and the *Gra* (to OC 422:2) accepts it and applies it to contexts similar to ours (see Rama, OC 422:2). Therefore, the Be'ur Halacha (to OC 426:2, based on Chayei Adam 68:11) says that the difference between doing *Kiddush Levana* with ten or three is not major. It is likely that the point is that is not mainly a question of what the minimum is for *brahm*. Rather there are levels of *brahm* and of *hiddur*.

Regarding under three, there is likely an advantage doing *Kiddush Levana* with another person. Rav Feinstein (Igrot Moshe, OC I, 146) sees precedent in the *gemara* that the presence of a second person shows one did not chance upon the moon but intentionally encountered it to show appreciation. Also, the Levush (626:1) points out that in order to fulfill the custom of saying "*Shalom aleichem*," one needs at least one other person.

Level of value is relevant regarding competing values. One such value is *z'rizin makdimin l'mitzvot* (it is best to do *mitzvot* as early as possible), which generally is more important than *brahm* (see Rosh Hashana 32b). A third value is specific to *Kiddush Levana* – it is preferable to do *Kiddush Levana* on *Motzaei Shabbat*, mainly because we are usually better dressed then (Shulchan Aruch, OC 426:2). The *minhag* is clearly to wait for *Motzaei Shabbat* even though one could have done it earlier. However, some say that if earlier there is a chance to do it with a *minyan*, whereas he will not have one on *Motzaei Shabbat*, the two advantages of doing it earlier win out in that case (see Sha'ar Hatziyun 426:20). The Be'ur Halacha (ibid.) says that while it is worthwhile to wait several days (when there is not concern of cloud cover until the middle of the month) to do it with a *minyan*, if earlier there is a chance to do it with three, the net gain does not necessarily justify the wait.

While we have not exhausted all the permutations and opinions, we have seen the logic and extent of the preference of having several people together for *Kiddush Levana*.

### “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

## Involving Baron Rothschild in Religious Efforts – #278

**Date and Place:** 14 Adar 5670 (1910), Yafo

**Recipient and Background:** Rabbi Professor Yisrael Levi of France. Rabbi Levi, who spent most of his life in Paris, and later became the Chief Rabbi of France, was apparently close at that time with an important Jewish Parisian – Baron Edmond Rothschild.

**Body:** I feel an obligation to express my thanks and blessing to your honor, who showed me favor by fulfilling my request about the dear Rabbi Zev Bernstein, who lives in the *moshava* Petach Tikva. I would be so pleased if it will be possible to continue helping him in the days to come, as he is a very honorable man.

Similarly, I would be grateful to your honor if you would say a good word about the book *Shabbat Ha'aretz* (Rav Kook's work on the Laws of *Shemitta*). I will be very happy if it finds favor in the eyes of a Torah scholar such as you. May you be blessed if you carry out my request to give the copy I sent to the honorable "Generous Baron" (Rothschild).

As I speak, it would be an honor if I can say further matters. Perhaps Hashem will be with us, and we can do positive things on behalf of religious concerns for the New Yishuv (which the Baron significantly helped finance). Of course, my whole interest is to connect religion to the emergence of a strong settlement movement. We see with our own eyes that it is impossible for a settlement to thrive and be sustained without there being respect for and vitality of religious life. It would be very appropriate if the revered Baron, who has done so much for the Yishuv, will pay attention to the invigorating of the Yishuv's soul, i.e., its spirit of religion. To promote this, we must adopt the idea of a Yishuv-wide rabbinate (editor's note - it is unclear if Rav Kook, who was considered the rabbi of the *moshavot* in the vicinity of Yafo, already fit that role) and make it possible to hold regular trips to the broad Yishuv, in Judea and the Galilee, in order to fortify the stature of religion.

Additionally, we need to strengthen the local rabbinates, in every agricultural settlement. In Ekron, a rabbi was already installed according to my approval and choice, and thank G-d he is distinguished, and his actions have left a good mark on the moral and religious character of the *moshava*. However, he is very downtrodden, and his livelihood is minimal. It would be wonderful if it would be possible to support him with a set salary.

It is also very necessary for the Yishuv-wide rabbinate to have a literary platform, i.e., a special newspaper that will come out at least on a monthly basis. This can bolster the status of religion and clarify the many questions that affect the whole Yishuv, on the practical and theoretical level and on that which emerges from it.

It is especially necessary to have a central yeshiva for the New Yishuv, a yeshiva in the proper spirit of Israel, capable of producing wonderful rabbis for the Yishuv. They should be educated in culture and understanding the world and practical life, in addition to their Torah and philosophy. They should also be gifted speakers who capture the interest of many with the veracity of their ideas.

All of these matters need to be fulfilled in practice. The Yishuv will be thankful if your honor will bring these ideas close to the ear of the respected Generous Baron. This would cause all of the acts of charity that he has undertaken on behalf of the Holy Land to shine in a lofty beam of light.

I have begun the yeshiva on a small scale with Hashem's help. However, when we have sufficient wherewithal, we are prepared to embellish and expand activities in a very desirable manner. This will enable the inhabitants of *Eretz Yisrael* to influence Jewish communities in the Diaspora.

I hope that your honor will kindly agree to answer all of my questions and try as you can to support the good things that I intend to establish for the benefit of our nation and our Holy Land.

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

Itamar Chaim ben Tzipora

Nir Rephael ben Rachel Bracha

Arye Yitzchak ben Geula Miriam

Neta bat Malka

Ori Leah bat Chaya Temima

Tal Shaul ben Yaffa

Meira bat Esther

Together with all *cholei* Yisrael

# P'ninat Mishpat

## Proof Needed to Remove a Squatter – part III

(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 have 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 say that since org2 were unable to finance building on prp and operating there, they gave pl, who paid substantially, all such rights.

**Ruling:** [After seeing that pl can remove def, we now deal with monetary issues. Part of the complication is that after initially taking part in the process, def later boycotted the hearings.]

Although the rental contract is for 20,000 NIS a month, in pre-hearing letters, def's lawyer essentially admitted that during the year, def expanded their usage of prp and accepted a 5,000 NIS raise in rent. Based on the records pl presented, this raises rental debt to 133,600 NIS. If def reengages in the process and brings claims and/or documentation to dispute the numbers, *beit din* will reconsider.

It is difficult to determine the exact debt for electricity because the meters do not reflect price differences according to time of day and season. The contract allows pl to charge def according to an estimate. The system pl proposed is reasonable in *beit din*'s eyes and results in a charge of 12,780 NIS. The same is true of the charge for water (12,876 NIS). *Beit din* reduced pl's charge for def's participation in municipal tax by a few hundred NIS (to 38,322 NIS) because it did not agree with pl charging for full months in the first and last month in which def was not present for a few days in the beginning and end, respectively.

The contract states that def will pay an agreed penalty of 1,000 NIS per day for as long as def refuses to leave prp, in addition to regular charges for usage. One could claim that def is exempt because this is an *asmachta* (an exaggerated obligation that people accept without believing it will come to fruition). The fact that the contract states that obligations should not be considered *asmachta* does not remove the ability to claim *asmachta*. However, the "admission" in the contract that a retroactive *kinyan* was made on the terms does overcome *asmachta* (see Shulchan Aruch, Choshen Mishpat 207:15). Also, the fact that the law and *minhag* are that arbitrators are expected to lower the penalty payment to reasonable levels removes the element of exaggeration at the base of *asmachta*. Therefore, def is obligated to pay 11,000 NIS up to the date of 19.7.21 and an additional 1,000 NIS a day until they vacate prp.

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