



Harav Shaul Israeli zt"l
Founder and President

HEMDAT YAMIM

חֵמְדַּת יָמִימִים

Parashat Hashavua Miketz, Kislev 30, 5786

From Paroh to Hamas and Iran – In Those Days at this Time Harav Yosef Carmel

At times in history, *Am Yisrael* merited to be the beneficiaries of a slew of clear miracles. The first period centered around the Exodus from Egypt, led by Moshe, and when we celebrate Pesach, discussing the miracles is part of the observance. This includes the ten plagues, the splitting of the sea, and the daily miracles in the desert.

Miracles in bunches continued in the days of Yehoshua, who conquered most of *Eretz Yisrael*. The period started with the splitting of the Jordan. The walls of Jericho fell by miracle, and boulders fell from the sky in battle around the slopes of Beit Choron, at which time Yehoshua proclaimed that the sun and moon stop their progress (Yehoshua 10:12). During that war, he defeated the southern kings, including those of Yerushalayim and Lachish (ibid. 10:5). It is likely that these miracles occurred during the month of Nisan. Hundreds of years later, a miracle killed the formidable army of Sancheriv overnight (Melachim II, 19:35). The final miracle that made it into *Tanach* is the story of Esther, in the Persian period, soon before the sealing of *Tanach*. This also occurred on Pesach.

On Chanuka, we publicize the miracles and thank Hashem for the “miracles ... and the salvations, and the wonders that You did for our fathers in those days at this time.” Those days were in the times of the Hasmoneans, and this time refers to Chanuka (and similarly, for Purim a few months later), which is prominent on our calendars.

Since Simchat Torah 5784, in the various campaigns against powerful enemies, including Iran and its satellite armies, we have seen highly unusual miracles. This makes it crucial to thank Hashem and take an active part in the salvation and ensuring the future of the independent Jewish state. We must also guard carefully our national unity, which is necessary for divine assistance.

Now we will look at the common denominator between many of the miracles we mentioned above, in the realm of geography – drawing a route from Gilgal near the Jordan River, to Ay, to the path of today’s Hgwy. 443, through Ma’aleh Beit Choron, to Lachish and Yerushalayim.

After Yehoshua defeated Ay, five kings attacked our allies, the Givonim. Yehoshua pulled out of Gilgal, passed Ay, and attacked these kings, who were fleeing to the flatlands (Yehoshua 10:11-13). The miracle of the sun and moon “freezing” in place was witnessed by the world, creating a great *kiddush Hashem*. Sancheriv was to take a similar path as Yehoshua did, and his army’s sudden disappearance also created a stir in the world. Unfortunately, despite the generally great leadership of Chizkiyahu, who could have become Mashiach, they lost the chance when they did not properly thank Hashem.

The world thus did not become spiritually fixed. Therefore, it was necessary hundreds of years later, for the Hasmoneans to fight and defeat the Seleucid Greeks, with one of the most central battles being on the slopes of Beit Choron.

The miracles we have seen in these past two years are in many ways greater than those of the Hasmoneans, and they arguably can be compared to biblical miracles. May we find the wisdom to thank Hashem properly for the miracles and take part with Hashem in them.

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



Eretz Hemdah
Harav Yosef Carmel, Harav Moshe Ehrenreich
2 Bnei Zion Street of Ramat Hashikma 91
Tel: 072-2-5271405 Fax: 072-2-5279226
amutah number 360120760

American Friends
of Eretz Hemdah Institutions
c/o Eretz Hemdah, 8 South Michigan Ave.,
Ste. 605, Chicago, IL 60603, USA
One Telephone 312-376-2787/399

www.erezhemdah.org info@erezhemdah.org
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Ask the Rabbi

by Rav Daniel Mann

Beracha when Lighting for a Neighbor

Question: A neighbor who is out of the house a lot sometimes asks me to light Chanuka candles on his behalf. Is that okay? When I light for him, should I make a *beracha*?

Answer: Your friend can fulfill his basic *mitzva* in this way (Mishna Berura 676:9). If your neighbor comes home very late, it is a good question whether it is better for him to light himself then or have you do it for him at a “better” time (see Living the Halachic Process VI, D-7). We will leave that decision to him and his rabbis.

In general, “Reuven” recites a *beracha* before doing a *mitzva* on behalf of “Shimon” (Rambam, Berachot 11:13, mentioning the *mitzvot* of *mezuzah*, *hafrashat ma’asrot*, *ma’akeh*, and *mila*). This is because *birkhot hamitzvot* relate to the *mitzva*’s action, not its fulfillment (Minchat Shlomo II:58). However, the way Reuven and Shimon team up in the fulfillment of the *mitzva* can differ significantly from *mitzva* to *mitzva*. We will give some examples.

All valid *mohalim* are halachically capable of doing *mila* to Shimon’s son, with Shimon just being the one with a specific obligation to do so. If Reuven does the *mila*, he fulfills the *mitzva* for himself, irrespective of whether Shimon asked him or fulfills his *mitzva* (see Shach, Choshen Mishpat 382:4). In contrast, Reuven needs Shimon’s authorization to take off *ma’asrot* and the *mitzva*’s impact applies to Shimon. In both cases, Reuven makes the *beracha* (Rambam *ibid.*; Derech Emuna, Terumot 4:1). Therefore, we would expect that if Reuven lights Chanuka candles in Shimon’s house, he would make the *beracha*.

The complication begins with the Bach, cited by the Magen Avraham (676:4) and Mishna Berura (675:9). He seems to say that one who already lit Chanuka lights can light for a woman (his case) but can make the *beracha* only if she is listening, because it is “the responsibility of a person’s body.” If Shimon listens, it is as if he makes the *beracha* himself. Rav SZ Auerbach, while puzzled why Chanuka lights are different from other *mitzvot*, explains that since the *mitzva* devolves on Shimon’s house, which does not relate to Reuven, Reuven cannot make the *beracha* for himself.

There are other understandings of the Magen Avraham (Mikraei Kodesh (Frank) Chanuka 23; Igrot Moshe (OC I, 190) and Chovat Hadar 1:(42) generally concur). They say that the first *beracha*, i.e., a standard *birkat hamitzva*, can be made even if the home’s resident is not there. The need for Shimon’s presence concerns only the *berachot* of *She’asa Nissim* and *Shehecheyanu* (on the first night). This is because these *berachot* are connected to the experience of seeing the publicizing of the miracle, and they can only be made by or in the presence of the one to whom the *mitzva* applies. (If Reuven will not have an opportunity to make these *berachot* in his home, it is a different story.)

A precedent for these *berachot* being separate from the *mitzva* of lighting per se is found in the Shulchan Aruch (OC 676:2) – if someone has not lit or is connected to a lighting, he should make *She’asa Nissim* and *Shehecheyanu* when he sees someone else’s candles. What is the subject of considerable debate is whether when members of one’s household light on his behalf, he needs to make *She’asa Nissim* and *Shehecheyanu* himself (see Mishna Berura 676:6; *ibid.* 677:14).

Let us move on to practical suggestions. The indications are strong enough that you should definitely not recite *She’asa Nissim* and *Shehecheyanu* at your neighbor’s house, and therefore, he should try to find Chanuka lights upon which to recite them. Regarding *Lehadlik Ner*, it is very difficult to decide whether you can recite it. Therefore, it is usually best to light at your neighbor’s home right after lighting at your own home, in which case the *beracha* goes on both venues (*Acharonim*, including Dirshu 675:15, in the name of Rav Elyashiv). An exception would be when your neighbor is abroad, in Central or Western Europe, in which case, you should light at a time when it is night where he is (see Living the Halachic Process VI, D-8). In that case, it is safer not to make any of the *berachot*.

“Behind the Scenes” Zoom shiur

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Moreshet Shaul

(from the works of Hagaon Harav Shaul Yisraeli zt"l)

Mini-Temple

Based on Siach Shaul, Pirkei Machshava V'Hadracha p. 232

“Since the destruction of the *Beit Hamikdash*, Hashem has in His world only four cubits of Halacha” (Berachot 8a).

The role that the *Beit Hamikdash* had in Israel is now taken up by the four cubits of Halacha. People are deeply involved, one in his agricultural tools and another in his writing tools. Yet others pass through the sea and don't have time to contemplate how they live and for what purpose. Then the pilgrimage holidays come, and each person frees himself from his occupation, taking his child on his shoulders and traveling to Yerushalayim. There, a new world opens up before him. A silence of sanctity takes hold in the lofty, chosen place. The person gets to live a few days in a different world – new, lofty. He is enveloped with a new spirit, and returns to his home renewed and refreshed.

There is a symbiotic effect here. During the course of the year, the *kohanim* are only able to pray and perform Temple service on behalf of the general populace working in the fields and dwelling in the cities of the nation. The nation is too distant from them to be able to be familiar with them, to know what the people need, what to pray for them. During the holidays, the people arrive with a thirst to hear the word of Hashem. The prophets share their prophecies with them, and the *kohanim* teach the words of the Torah. [That is what was.]

The Temple was destroyed, and, with it, our world was destroyed. There is no longer a center with abundant sanctity, at which people absorb the fragrance of spirituality. However, the hidden treasure of the holy Torah – the four cubits of Halacha – remains. If during most of the year, the average person is not able to spend sufficient time within these four cubits, when the same holidays of old come along, the Jew can turn with his time on the holiday, to the local *beit midrash* (study hall). Admittedly, the four cubits [cannot compare to the Temple], and even though his going there is not accompanied with the music, dance, and crowds of celebrants associated with the Temple, still those who come are blessed. They are blessed for their interest of voluntarily entering the four cubits of Halacha.

We know that there is a parallel between how one comes **to see** [the Divine Presence at the *Beit Hamikdash*] and how one **is seen** by Hashem. Just as one comes to be seen with two [divine] “eyes,” so too he comes to see with two eyes (Chagiga 2a). As they came, with eyes thirsting [for spirituality], this is what they merited to find. The same is true for us. As we merit to stand in the house of Hashem, so we will absorb within us the great thirst, and our service of Hashem will be full of the lofty yearning which we received from the great world [beyond us]. We will certainly be careful not to come to the Temple with our walking staff and backpack. The days are holy for the purpose of elevating our spirit, for our soul to be joyous, and to prepare to receive more and more inspiration.

During the pilgrimage holidays, all of the groups of *kohanim* took part in the service (as opposed to one group per week during the year). Within the *Mikdash*, where all are *kohanim*, all of them were treated like the ones whose turn it was.

“You shall get up and go up to the place which Hashem will choose” (Devarim 17:8). “This teaches that the place causes [i.e., the rulings of the court to carry special weight]” (Sota 45a). At first glance, what difference does it make where one studies? Does his mind work differently? Still, “the place causes...” It could be the same *kohen* or judge [in two different places], and it is not the same thing. The special character of the place joins up with the halachic authority and gives his words extra power. The place has something significant in the ability to use the intellect and feelings.

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

Itamar Chaim ben Tzipora

Nir Rephael ben Rachel Bracha
 Ori Leah bat Chaya Temima

Arye Yitzchak ben Geula Miriam
 Neta bat Malka

Tal Shaul ben Yaffa
 Meira bat Esther

Together with all *cholei* Yisrael

Multiple Agreements and Parties – part II

(based on ruling 80082 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The plaintiff (=pl) worked on a “Tama 38” building project (refurbishing and expanding a building in return for rights to the new apartments) on behalf of def1, who had rights over the project. Later, def1 formed a partnership (=def) with her lawyer (=def2) and def3, and pl helped them get the homeowners and municipality to accept the building plan. The building has not been done yet. Pl was involved in four agreements – two sales agreements to buy a new apartment at a subsidy and two fee agreements, each initially with def1 and later ostensibly with def. Pl demands his fee; def has various claims against the agreements – lack of necessary signatures and pl's breach of agreement. [There were various rulings of beit din and an appeal process, which we will deal with in installments. Last time we saw that the two sales agreements and the first fee agreement were valid; now we will deal with the second fee agreement]

Ruling: Second fee agreement: This agreement, made after def was formed, is written to obligate def to pay a large agent's fee to pl. It is signed only by pl and def2, who said that he was emotionally weak at the time and gave in to pl's pressure. According to def's bylaws, def3's signature is needed to make an agreement binding.

Whereas the sales agreement affects all of the partners of def, because it allows for their property to go to pl, the fee agreement, which can be paid by any of them, could in theory not affect all of them. In a communication between them, def3 told pl that he knew that def2 signed such an agreement and did not care because he believed that def1, whom def2 represented, would pay the fee. Indeed, when def was formed, it was expected that def1 would be the main provider of funds for def. While pl wrote to def3 that he made def2 sign and did not demand def3 to do so because he trusted def3 to not give him trouble, it is clear that the two understood that def as a partnership could not be forced into paying his fee. Therefore, this agreement was not binding on def when it was signed.

However, further communication shows that def3 was aware that an agreement was signed, and he had seen drafts of the agreement that had def being responsible to pay the fee to pl. Def3 claims that he asked for and did not receive the final agreement and so he was not bothered by the agreement since he did not think it obligated him. Pl claims def3 did receive it. Pl asked for and received, based on def3's advice, minutes of a board meeting of def to approve the agreement. Although def3 claims that he did not sign the minutes, but that def1 did, it does not make a difference because def3 was behind the effort to have the legal power of def accept the agreement. This means that he knew that beyond def1, def as a body was going to be obligated, which is significant even if in practice it was expected that def1 would pay.

Therefore, def is now obligated to pay pl according to the conditions in all the existing agreements. It is too early to discuss personal liability of the partners if def does not pay.

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