HEMDAT YAMIM חמדת ימים

Parashat Hashavua Lech Lecha, Cheshvan 13, 5787

Harav Shaul Israeli zt"l
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## David's Falling Sukka and its Connection to Noach's Ark – part II

Harav Yosef Carmel

Our legacy of Torah as a nation began with the work of Avraham Avinu, who taught monotheism and Torah to large groups of followers. While the Torah is primarily linked to Moshe, we will now connect David to both Avraham and Moshe.

Last week, we discussed how our short prayer that Hashem should restore the fallen *sukka* of David, a phrase taken from the prophecy of Amos (9:11), applies to Sukkot. While the Maharal of Prague explains why the concept of a fallen *sukkah* relates to David, we now will search for the roots of Amos's vision. In *Tzofnat Shmuel*, we dedicated a chapter to demonstrating that David was spiritually a *talmid* of Moshe. This will help us locate a source.

Before the Sin of the Golden Calf, the Torah states: "Hashem would speak to Moshe face to face, as a man speaks to his friend*"* (Shemot 33:11). Following the sin, Moshe sought to restore this level of closeness: *"*Tell me Your ways so I may know You, so that I may find favor in Your eyes... If Your Presence does not go with us, do not bring us up from here... Please, show me Your glory*"* (ibid. 12-18). Hashem replied, *"*You cannot see My face, for man shall not see Me and live" (ibid. 20).

Moshe's initial request was denied, but Hashem granted him a different revelation: *"*Behold, there is a place by Me; stand on the rock. As My glory passes, I will put you in a cleft of the rock and cover you (*vesakoti* – the same root as *sukka*) with My hand until I have passed. Then I will remove My hand, and you shall see My back, but My face shall not be seen" (ibid. 21–23). There, among the rocks, Moshe experienced being protected by "Hashem's shadow," taking shelter in the divine *sukka*, the *tzila d'mehamnuta*.

Some five centuries later, Moshe's ultimate *talmid*, David, made these exact requests using identical terminology. In Tehillim 27 (*L'Dovid Hashem Ori*), we find: *"*For He will hide me in His *sukka* on a bad day; He will conceal me in the shelter of His tent; He will lift me high upon a rock... Of You my heart said, 'Seek My face.' Your face, Hashem, I will seek. Do not hide Your face from me... Hashem, teach me Your way…*"*

The textual parallel is unmistakable. David walked in Moshe's footsteps, utilizing the same words to convey the same ideas. Both mentor and disciple merited shelter in Hashem's *sukka*.

David is the founder of the royal dynasty, and he was the anointed one from whom *Mashiach* will come. It is no wonder that Amos calls the ultimate sign of Redemption the *sukka* of David, which is basically also Moshe's *sukka*.

Both Moshe and David were disciples of Avraham, as all three shared the trait of humility: Avraham declared: *"*I am dust and ashes*"* (Bereishit 18:27). Moshe declared: *"*What are we?*"* (Shemot 16:7-8). David declared: *"*I am a worm and not a man*"* (Tehillim 22:7; see Chulin 89a). These humble men are Israel's true leaders.

The *sukka* itself is the symbol of humility. *Am Yisrael* will merit the Redemption promised by Amos when we seek leaders who mirror the humility of the *sukka*. In doing so, we will sit beneath the wings of the Divine Presence, in the clouds of Glory, and see the coming of the son of David. These clouds led our nation in the times of Avraham (see this column from 5782) and Moshe.

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# Ask the Rabbi

## Lech Lecha

by Rav Daniel Mann

## Possibly Late *Sheva Berachot*

**Question:** I made the last *sheva berachot* (=*sb*) for relatives (in the summer), calling it for 7:30 PM. Realizing that they did the *kiddushin* before sunset, which could turn my *sb* into the 8th day, I made sure we started eating before sunset. However, we finished the meal and recited the *berachot* at night. Did that cover things halachically?

**Answer:** This case touches on halachic questions that have elements of *safek* (doubt), whose combination creates different shades of halachic propriety.

Your hope that it sufficed to start *sb* before sunset can be modeled after the *halacha* that if you start *seuda shlishit* during the day, you say *R'tzei* in *Birkat Hamazon* that is recited at night, because the beginning of the meal is the determinant (Shulchan Aruch, Orach Chayim 188:10). This is also true for the recitations of Chanuka, Rosh Chodesh, and Purim (ibid.). However, that *halacha* is not unanimous (see Beit Yosef ad loc.). Ginat Veradim (OC I:28) says that the reason we say R'tzei or Ya'aleh V'yavo in these cases of doubt is that it is not forbidden to make these recitations even if they ended up being not called for. In contrast, *sb* recited after the week of *sb* are *berachot l'vatala*, so we refrain from them in a case of doubt. Haelef Lecha Shlomo (Even Haezer 107) adds another distinction. At *seuda shlishit*, the **eating** creates an obligation to recite *R'tzei*, whereas, he claims, the obligation of *sb* only begins at *Birkat Hamazon*, so *Birkat Hamazon* must take place during the week. Therefore, at first glance, you should not have recited *sb*.

After the fact, and perhaps sometimes *l'chatchila*, your course of action was reasonable. First, the Ginat Veradim thought it was likely the *sb* were fine, just that he did not think we have the level of confidence to endorse it *l'chatchila*. and it is also plausible to disagree with the Ginat Veradim and recite *sb* based on the meal's beginning (see Pitchei Teshuva, EH 62:12, citing Knesset Hagedola). Finally, there are opinions that the week is a full 168 hours (see Sha'arei Teshuva 131:14).

In cases like yours, there are also opinions that apparent day 7 was actually day 6. True, the Rama (EH 55:1) rules that the presence under the *chupa* (canopy) of a couple who had *kiddushin* creates *nisuin*. Indeed, many count the seven days (see Ketubot 7b) from the giving of the ring (see Hanisuim K'hilchatam 14:9). However, many accept the Rosh (Shut 26:2) that we count the days from the time of the (end of the) *berachot* at the *chupa* (see Yabia Omer V, EH 7; Nitei Gavriel, Nisuin 109:5). According to the Rambam (Ishut 10:6) that the point of *niusin* is the couple's *yichud*, we would count from then. There is even an opinion that we count from the end the wedding meal (see Shaarei Teshuva 131:14). Although we do not generally accept the latter opinions, they might create "positive doubt," certainly if the *berachot* at the *chupa* finished at night. Therefore, it is likely that you can add another reason to justify the *sb* at the time you did them.

Another question is: when does night begin? If the group gets to *sb* during *bein hashemashot* (*safek* day, *safek* night), one can add another *safek* – maybe the *berachot* are being recited in the daytime (Yabia Omer ibid.). On the other hand, it weakens the possibility that when the *chupa* ends or the *yichud* happens after sunset but before *tzeit hakochavim* (full nightfall) it adds a day (see Sova Semachot 1:3). Thus, the permutations of cases bring with them various *sefakot* of different intensities.

Do not be overly concerned about whether the party counted as *sb* (which are not required every day - see this column Ki Tisa 5782). The successful *bein adam lachaveiro* element of enhancing the couple's week (see Shulchan Aruch, EH 64:1) and their family's *simcha* is hugely important. Beyond that, there is a good question (see Ketubot 8a) whether the highlight of the party is the *berachot*, which the meal facilitates (Rambam, Berachot 2:10) or whether we strive for a festive meal, and if we succeed, we top it off with *sb* (Rosh, Ketubot 1:13).

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Lech Lecha

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

# An Interview about HaTorah V'haMedina – part I

based on Siach Shaul, Pirkei Machshava V'Hadracha p. 107

**Introduction of newspaper:** Rav Shaul Yisraeli, rabbi and Rabbinical Court head of Kfar Haroeh, and editor of "HaTorah V'haMedina" (a periodical on *halachot* concerning the young Jewish state), is among the most respected rabbis in Israel – a great Talmudic scholar, Jewish thinker, orator, and writer. His classes and lectures in Halacha and Jewish Philosophy are known for their deep inquiry and beautiful clarity. He is one of the most prominent disciples of the great Rabbi Avraham Isaac Kook *z"l*. His book, "Chapters in Jewish Philosophy," which presents sources to clarify the basics of Jewish outlook, is based on Rav Kook's thought. His inquiries in Halacha are primarily focused on Land-based commandments and questions that stem from the existence of the State of Israel. The last periodical dealt with the view of Halacha on the Episode of Kivia (an Israeli retaliatory operation). Our reporter presented the following questions to clarify the nature and goals of the periodical that Rav Yisraeli presents as editor.

**Q:** What is the goal of "HaTorah V'haMedina"?
**A:** We spelled out the purpose, as we saw it in 5709 (the first year of the State of Israel) in the first edition's editorial: "To serve with Hashem's help as a permanent platform for halachic inquiry in matters of Jewish kingdom."
We saw this as a critical necessity for two reasons:
1. The halachic questions that arose as the State was established were of a new form, even if the halachic matters were not intrinsically new. Because these questions were not applicable in life in exile, they were not sufficiently elucidated using earlier sources in the Oral Law and were left under-developed even when explored due to the paucity of treatment by authorities over history. The responsa literature of the great rabbis throughout the generations dealt primarily with questions the rabbis were asked, which were on the issues of the time, which excluded questions on a Jewish state, which are applicable in the times of *Mashiach*. Therefore, with the establishment of the State, with religious Judaism talking in terms of a Torah State, this requires us to propose concrete plans and a clear image of what the Torah State is like. It caused embarrassment when the answers were not known.
2. This idea is an outgrowth of the first one. Sometimes it appears even to those who follow the basis of the Torah, that no part of the Torah deals with a state and society. This would leave the opportunity for humans to have lay leaders set the rules according to their personal reasoning, as long as they could claim that their approach conforms to the "spirit of the Torah." This necessitates showing that this is not so – any attempt to set the laws according to personal reasoning in matters of public policy, violates the Torah's principles no less than the attempt to do so in other areas of life.

**Q:** What approach do you take in these inquiries?
**A:** The approach to clarifying the solution, following the Torah, to problems arising in the State, our State, in which we live, depends on our position regarding the State that has been established and to the Torah's place within it.
On this point, our position is under attack from either side. We are fighting opinions that are in extreme opposition one to the other but share one assumption: they both do not believe that it is possible to build normal public life according to the Torah. They think it is only possible to implement the Torah in a state that functions based on miracles, whose very existence is a clear and ongoing miracle. They both posit that a normal state must by necessity come in contradiction with the law of the Torah. They posit that there is no solution to problems of Shabbat, and that it is impossible to inject the Torah into a community's daily life.

*We will continue next time.*

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**Avraham ben Gitel**
**Meira bat Esther**

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# P'ninat Mishpat

## Fallout from Failure to Install Elevator – part III

(based on ruling 85007 of the Eretz Hemdah-Gazit Rabbinical Courts)

**Case:** The plaintiffs (=*pl*) rented commercial space from the defendants (=*def*) for their retail business for 38,000 NIS a month. The agreement obligated *def* to install an elevator to the store, which was critical to attract sufficient clientele. Installing the elevator was more difficult than expected, and *pl* did most of the work instead of *def*. In the interim, *pl* reduced, only partly by agreement, the rent they paid. After several months without progress in installing the elevator, *pl* declared the rental agreement void and sued for approximately 2 million NIS. This includes return of rent paid and damage to the young business's prospects. *Def* responded that the elevator was delayed for several reasons: *pl* failed to leave security checks, pay full rent, and pay on time; there were also technical constraints beyond *def*'s control. *Def* are suing *pl* for incomplete rent and, if *pl* leaves the premise, for the cost of returning the property to its previous layout. [*We saw in the past that pl were able to void the agreement due to def's material breach. This time we will deal with pl's demand that def pay for their moving expenses, first from the rental location to the storage and then for the move from the earlier location of the store to the rental*.]

**Ruling:** **Upcoming Move to Storage:** *Pl* is claiming 100,000 NIS for this move. The Rambam (Sechirut 5:6) rules that if a landlord did something to make the property unusable, he is required to provide an alternative property for the renter, and the Shulchan Aruch (Choshen Mishpat 312:2) accepts this approach. This applies here, because *def*'s unexcused failure to keep his commitment to facilitate the installation of the elevator is considered making the property effectively unusable. The price of the new rental includes the necessary expense of removal and transporting the contents of the store to a safe place. This is also in line with the *halacha* of the Rama (CM 14:5) that if one invites someone to join him at a certain place and then the inviter makes the trip a waste by not showing up, he has to pay the travel expenses.

*Beit din* appointed an expert to appraise the work, so that the price will cover packing the objects, including many breakables, disassembly of furniture, and transport. His estimate was for 63,000 NIS. This can be affected in one direction or another by the availability of parking and an elevator at the place of destination. The price does not include the possible cost of reassembly, which it is not presently known if it will occur.

**Past Move to Present Location:** *Pl* admits that his previous rental had concluded so that one way or another, he would have had the expense of moving. Therefore, one of the *dayanim* reasoned that only the upcoming moving is *def*'s responsibility. According to the majority of *dayanim*, though, even the first move, which was needed, was worth it for *pl* only if they could make use of what they brought, which *def* deprived *pl* of. Therefore, based on the same Rama, *beit din* obligated *def* to pay the 37,000 NIS the move cost.

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