

HALOCHOSCOPE

This week's question:

A house was severely damaged by fire. It had to be completely rebuilt inside, but the main structure was the same as before. The owners are now moving back into the house. Should they recite *shehecheyanu* or *hatov vehamaitiv*, *brochos* on building or purchasing a new home? Should they celebrate with a *chanukas habayis*, housewarming party?

The issues:

- A) *Shehecheyanu* on a new purchase
- B) *Chanukas habayis*
- C) *Rebuilding*

A) *Shehecheyanu* [Reproduced mainly from Halochoscope XV:34]

Shehecheyanu is known as '*zman*', *brocha* on joy at reaching a particular time. It is required on occasion of a joyous event and the first time a particular mitzvah is fulfilled. The *mitzvos* in this category occur cyclically, such as *shofar* on *Rosh Hashanah*, and occur rarely, such as redemption of the first-born. The *brocha* commemorates joy due to a time or date, and the time that personal joy is experienced. Some add *mitzvos* that combine ownership with a *mitzvah*, such as *mezuzah* [see below]. Cyclical joy includes fruit coming into season. Some say the occasion is the first time the fruit is seen. Our practice follows those who recite it when eating the fruit.

Another joyous event warranting the *brocha* is a new acquisition. Two examples are provided by the Talmud: one who builds a new house, or acquires a new utensil. Some maintain that this shows that the joy over the new utensil must be comparable to the joy over a new house. Most *poskim* maintain that it depends on the joy experienced by the one acquiring it. For a wealthy person it must be more substantial than for a poor person.

If the acquired item is new to both himself and his companion(s), the *brocha* is *hatov vehameitiv*, Who is good and Who does good to others. This *brocha* is recited on good tidings that affect more than one person. When they affect one person the *brocha* is *shehecheyanu*. Thus, *shehecheyanu* is really on good tidings. Logically, this is the acquisition. If it was not recited then, it may still be recited as long as the joy is still felt. For an article used for *mitzvos*, some say that the *brocha* may be recited at the time of acquisition or preparation or at the time it is first used for the *mitzvah*. When building a *sukah* one could recite *shehecheyanu*, or on the first night when one sits there. Our practice is to consider the *shehecheyanu* on the *mitzvah* to be partially on the joy of preparing it.

An interesting distinction is made by the Yerushalmi. If one receives a house as a gift, the *brocha* is *hatov vehamaitiv*. If he purchases it, the *brocha* is *shehecheyanu*. The *poskim* debate whether one who has a family should always recite *hatov vehamaitiv* on a house purchase. Some maintain that buying a house is not mentioned by the Talmud for

good reason. In addition, if the purchase was an old house, the joy is presumed to be muted. The majority seem to consider purchase the same as building.

The poskim debate variations of a house purchase. The Talmud sometimes considers rental a short term purchase. There is some discussion, based in part on a Talmudic discussion regarding this and other situations, about a house that was sold and repurchased, and a house that collapsed, burned, or was demolished, and was then rebuilt [see below]. The poskim debate a purchaser who has not paid in full. Since he still owes part of the payment, he could feel that he does not fully own the house. It becomes worse when this arrangement includes a seller-financed mortgage. A loan to pay for the house brings with it worry. A mortgage brings with it the consequences of default and repossession. Thus, some say that in such cases one should refrain from reciting the *brocha*. However, could combine it with *shehecheyanu* on a new fruit or clothing.

Based on some of the items in the next section, the poskim debate when this *brocha* should be recited. One suggestion is to wait until one affixes the *mezuzah*. One need not affix it until he moves in. In this way, the joy also coincides with a *mitzvah*. This *mitzvah* also only occurs occasionally, and should have its own *shehecheyanu*. Some combine both of these with a new fruit or clothing, and the *chanukas habayis* mentioned below.

Some people take the liberty of reciting *shehecheyanu* whenever they feel overwhelmed by joy on good news or on a joyous occasion. However, it is not advisable to recite this *brocha* of one's own accord, unless there are qualifying circumstances. Some point out that though the Talmud details this *brocha* on new items and the like, some poskim omit any reference to it. This indicates that they consider the *brocha* voluntary, except on a *Yomtov*. Accordingly, it is best to limit it to situations that are authorized by the poskim. Some suggest always reciting this *brocha* without the Names of Hashem. [See Brochos 59b-60a, Yerushalmi 9:3, Eruvin 40b, Sukah 46a, Poskim. Rambam Brochos 10:1 (Meshares Moshe) Melachim 7:8 (Kesef Mishneh, Mishneh Lemelech Pri Haadamah). Tur Sh. Ar. OC 223 225:1-7 YD 286:22 Nachalas Tzvi 291:2, commentaries. Lev Chaim III:52. Tzitz Eliezer XII:19. Halichos Shlomo 24:13. Kinyan Torah 18. Shraga Hameir VII:68:3. Halochoscope III:25 V:34 VIII:7 XI:2.]

B) Chanukas habayis

The term *chanukas habayis*, induction of the house, occurs in Tehilim (30). It introduces a song by Dovid Hamelech. Most commentaries consider it a prophetic commemoration of the inauguration of the first, second or third *Bais Hamikdash*. Some say it refers to a house built by Dovid. Others point to references in the psalm to an illness from which he recovered. Thus, 'house' is a poetic reference to man.

The term is borrowed to refer to the celebration inaugurating a new building. Some sources use the term *chinuch habayis*, based on a reference in the Torah. When a Jewish army prepares for battle, a *kohain* announces that certain groups of people should not remain at the battlefield. These include: those who have just completed a new house and have not yet done *chinuch* to it; those who have planted a vineyard and have not yet brought the fruits of its fourth season to Yerushalayim; those who have married with *erusin*, the first legal stage of marriage, and have not finished the process. Some say *chinuch* simply means that he has not yet lived there. Some say he has not yet affixed a

mezuzah. Some say he has not yet eaten there. All seem to define *chinuch* as a beginning.

This Scriptural passage does not indicate any obligation, but a milestone in one's life. The Torah does not want the person to risk interrupting the process and possibly leaving the world before completing it. Some poskim point to the comparison between *chinuch bayis* and the other two groups, *nisuin* and *chilul kerem*, both of which are indeed *mitzvos*. Accordingly, this is also a *mitzvah* of sorts. The Yerushalmi specifically excludes one who built a house outside Eretz Yisroel from the group that is sent back from battle. This is because Yerushalmi considers *chinuch* of a house inside Eretz Yisroel a *mitzvah*, but not of a house outside Eretz Yisroel. The Bavli uses the same words in the Torah to exclude a stolen house. The group would include anyone who built, bought, inherited or received a house as a gift. This indicates a disagreement between the two Talmuds. How should the specific words in the Torah be parsed? Some maintain that the Bavli considers neither a *mitzvah*, and some maintain that the Bavli considers them both a *mitzvah*. Others maintain that they do not disagree. Both apply, but at different times. When the Bais Hamikdash is standing, the *mitzvah* only applies in Eretz Yisroel. In exile, the *mitzvah* applies everywhere.

The widespread *minhag* is to celebrate the inauguration with a *seudah*, festive meal. The Midrash compares the *Shabbos* of Creation to one who finishes building a house and makes a 'yomtov' and a *seuda*. Others compare it to the *seuda* at the inauguration of the Bais Hamikdash. The poskim debate whether this *seuda* has the prominence of a *seudas mitzvah*. Such status would exempt those invited to this *seuda* from completing a self-imposed fast on that day. If *chinuch* refers to the first meal eaten in the house, it must be a prominent meal, rather than a snack or everyday meal. Another explanation is an expression of the joy felt at this milestone in life, and offering thanksgiving to Hashem. This would equate this *seuda* with a *seudas hoda'ah*, thanksgiving meal, held by those who overcome danger or illness. This connects to the psalm mentioned earlier. The Midrash compares creation to both the *seuda* mentioned and the *brocha shehecheyanu* on a new house that we discussed before.

However, this *seuda* is usually linked to a different type of *seudas mitzvah*, that of completing a *mitzvah* project such as *siyum* on a section of Torah study. This is actually based on the *seuda* on the completion of the Bais Hamikdash. Which *mitzvah* is involved in a new house? Inside Eretz Yisroel it is part of the *mitzvah* of *yishuv* Eretz Yisroel, to settle the Land. The common *minhag* is to make a *chanukas habayis* outside Eretz Yisroel as well. Some say it is to demonstrate our acceptance of the decree of exile. Others say that life must go on in exile. Some say that everyone everywhere has a *mitzvah* to populate the world and to settle it, including building a home.

Some maintain that it is not a *seudas mitzvah*, but a mundane party. Even some who consider *chinuch habayis* a *mitzvah*, do not extend it to the *seuda*. They apply the *mitzvah* to living there or to affixing the *mezuzos*. Some even discourage the practice. It means beginning one's residence in the house with eating and drinking for no spiritual gain. There is general agreement that the *seuda* can be made into a *seudas mitzvah* by the inclusion of *divrei Torah* linked to the occasion. Since the *divrei Torah* result from the *seuda*, they raise its level of holiness. Furthermore, beginning on such a spiritual note af-

fects the tone in the entire home for the future. Some consider it a *seudas mitzvah* only inside Eretz Yisroel, in accordance with the aforementioned debate.

Along with the *seuda*, some recite *tefilos*, especially when affixing *mezuzos*. Some study *perakim* of *mishnayos* beginning with the letters of the word *bayis*. The poskim debate whether a practice to slaughter chickens in a new stone house should be condemned as superstition. [See Parshas Shoftim 20:5, Tehilim 30:1, Targum, commentaries. Sotah 43a Yerushalmi 8:4, Poskim. Tanchuma Beraishis 2 4. Shorashim (Radak) 'chinech'. Sefer Chasidim 16-17. Tashbatz 170. Yam Shel Shlomo Baba Kama 7:37. Sh Ar OC 223:3 Kaf Hachayim 19, 568 MA 5, Yad Efrayim 670:3 YD 179:3 4 PT & Darkei Teshuva 217:48 PT, commentaries. Igros Kodesh (Chabad) XIII:4,579. Halochoscope VII:29.]

C) *Rebuilding*

We mentioned the consensus that the *brocha* is recited on a house that burned down and was rebuilt. If one voluntarily demolished his house and rebuilt it, the poskim debate the *brocha*. [This is really inexplicable! The source for reciting it on a house that burned down and was rebuilt is the very opinion that one returns from the battlefield if he purposely rebuilt his house!] The suggested reason is that one does not feel the same joy. If he added to the structure, all agree that he may recite the *brocha*. [See Refs to earlier sections. Sotah 43a Rashi, Kovetz, Rambam Brochos 10:1. Shaar Hatziyun 223:12-14.]

In our case, the structure itself was not burned down. This seems to prove that the same house was rebuilt. However, the entire interior was demolished, and some changes were made. In addition, the suggested reason that no *brocha* is recited on demolishing and rebuilding does not apply here. It was never demolished voluntarily. He definitely feels the joy of its being rebuilt. He also certainly feels the joy of moving back.

In conclusion, the homeowner can recite the *brocha*. While *chanukas habayis* does not involve a *brocha*, the true reasons for a *seudas mitzvah* might not apply here. However, by sharing relevant *divrei Torah* at the *seuda*, he can elevate it to a *seudas mitzvah*. To eliminate any doubt, he can wear a new item of clothing to say *shehecheyanu*.

On the Parsha ... Each of the seven days of *miluim*, Moshe erected the *Mishkan* and demolished it. R Yosi says on the eighth day also. [Sifra on 8:33, Rashi Naso 7:1] Perhaps one reason the *Mishkan* had to be demolished and erected before the *Chanukas Hamizbaiach* is to show that a true *chanukas habayis* can also be held when the structure is rebuilt in the same way. Perhaps even more so, if it was demolished, especially by Hashem's instructions, there is more joy when it is reassembled. It might be that the opinion that it was even demolished again on the eighth day was to show that even though it was to be demolished later that day, the *mitzvah* of *chanukas hamizbaiach* still applied that day, as well as the next day. The overwhelming joy of its being built and ready for use is the cause for the celebration, regardless of the knowledge that it is not necessarily permanent. The availability of its current use warrants the *simcha*.

Sponsored by the Silver family in honor of the birth and *bris* of Aharon Rich on the 4th day of

***Miluim* (26th *Adar*), and the 4th day of *Chanukas Hamizbaiach* (4th *Nissan*), respectively.**

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