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# HEMDAT YAMIM

חֵמְדַּת יָמִימִים

## PARASHAT HASHAVUAH

Ki Teizei 10 Elul 5771

### Dealing with Tzara'at

Harav Shaul Yisraeli - from Siach Shaul, pg. 521-523

Our *parasha* mentions two things to remember. The significance of remembering the horrible actions of Amalek (Devarim 25:17), which require us to have an ongoing battle against them in all generations, is understandable. However, it is hard to see the cosmic significance of remembering the punishment of Miriam with *tzara'at* for speaking a few inappropriate words about her brother, Moshe (ibid. 24:9)

A primitive vessel is not significantly affected by a flaw in one of its sections. The more delicate and complex the utensil and its mechanism, the more significance each of its parts has. In fact sometimes the smallest parts have the greatest significance. We cannot measure the *mitzvot* and sins found in the Torah, yet we learn something about their value from their results. If the Torah commanded the whole nation to remember Miriam's mistake, we could learn something about the severity of that type of speech.

*Tzara'at* comes as a result of *lashon hara* (Arachin 15b), and the remedy for the sin is, "In solitude he shall sit outside the encampment" (Vayikra 13:46). He who separates between people by telling venomous stories that arouse people's jealousy and hatred deserves specifically to himself be separated from people.

There is also a special prohibition in regard to *tzara'at*: it is forbidden to cut off a *tzara'at* lesion (Devarim 24:9; Makkot 22a). Just as speech and thought can impact the body, so can sin find expression on the body. The impurity ruins the flow of the blood and causes damage to the skin. Yet the one who would cut off the *tzara'at* does not want to deal with the root cause and regret his actions. Instead of going into temporary solitude, he would try to run away from the consequences. How much damage does this type of person cause to those around him and actually to himself?! When the affliction is in the open it is easier to keep one's distance from it, literally and figuratively. The way of dealing with it must be internal, as Judaism generally prescribes, not by artificially removing it or by covering it up.

[*This derasha was given in 1938, apparently in response to some local issue that Rav Yisraeli took very seriously*]. What is European culture? What is hiding under the overflowing cosmetics, impressive rhetoric, and artificially flashy intellectuality? It is an attempt to "purify the *sheretz* (impure animal) with 150 arguments." It is to cover up human flaws, primitive instincts, and base desires with fancy but hollow explanations. When you try to cover things up, they are liable to grow and expand until one finally cannot hide them anymore.

Sometimes we suffice by "putting up posters," posters that announce that we are good and thereby hide our shortcomings. We show off the poster of being religious laborers, and then we do not have to deal with our moral shortcomings. "One can see all flaws except for the flaws that afflict himself" (Negaim 2:5). Let us look at ourselves and check the "storage chambers" of our souls by the light of the Torah and *mitzvot*.

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# Ask the Rabbi

by Rav Daniel Mann

**Question:** My son writes with his left hand (he can write slowly and neatly with his right) but does everything else better with his right. Should he use righty or lefty *tefillin*?

**Answer:** There are three sources for the rule that a righty lays *tefillin* on his left hand (Menachot 36b-37a). Tanna Kamma says the word “*yadchah*” (where one fastens the *tefillin*) means the left arm. R. Natan learns from proximity in the Torah that the hand one uses to write a *mezuzah* he uses to fasten *tefillin*. A person who writes with his right hand should thus use that hand to fasten the *tefillin* onto his left arm. R. Ashi learns from the extra letter “ה” “*yadchah*” (Shemot 13:16) that *tefillin* go on the *yad kehah* (weak hand). A lefty, who writes with his left and whose weak hand is his right, thus lays *tefillin* on his right arm (Shulchan Aruch, Orach Chayim 27:6).

How do we view one who writes with one hand but does most activities with the other? The Sefer Haterumah says to lay the *tefillin* on the overall weaker hand, without special emphasis on writing. R. Yechiel of Paris says that one who writes with his right hand lays on his left arm even if he does everything else with his left (see Tur, Orach Chayim 27). The opinions in *Rishonim* are apparently based on the different sources in the *gemara* above. The Shulchan Aruch (ibid.) and Rama favor R. Yechiel’s opinion, to follow one’s writing. Thus, your son’s case seems to depend on this *machloket*, and at first glance he should lay *tefillin* on his right arm.

However, some major *poskim* question the Shulchan Aruch’s and Rama’s ruling. The Gra (OC 27) demonstrates that Rav Ashi’s opinion is more accepted and that we thus should put *tefillin* on the overall weaker hand. Furthermore, the Bach (OC 27) argues on the Shulchan Aruch’s understanding of R. Yechiel. He says that R. Yechiel accepted both the source of “writing-fastening” and that of “the weak hand” and, only when one is a lefty in both regards does he lay on the right. Similarly, R. Moshe Feinstein (Igrot Moshe OC IV, 11; see Tosafot, Menachot 37a) understands that one who writes with one hand but does most work with the other lays on the left arm because he is deemed ambidextrous (*sholet b’shtei yadav*).

Let us view the parameters of *sholet b’shtei yadav*. The *gemara* (Menachot 37a) brings a contradiction between sources on whether an *iter* (lefty) lays on his right or left and answers that it is an ambidextrous who lays on his left. But if he is ambidextrous, why is he called an *iter*? The simple answer is that as long as both hands are functional, even if he favors his left, he puts on *tefillin* like most people, who are righties. However, Rashi (ad loc.) says that it is referring to one who is equally strong in both hands, as do the Aruch Hashulchan (OC 27:15) and Mishna Berura (27:25). Your son’s situation of writing slowly but neatly does not seem to make him ambidextrous enough regarding writing to remove him from serious doubt. Since we bless him to put on *tefillin* tens of thousands of times, we would like to extricate him from doubt.

The best suggestion, which is probably practical, is for your son to practice writing with his right hand until he can write comfortably with it on occasion throughout his life (see Shulchan Aruch Harav, OC 27:9; Shevet Halevi IV, 6). Although the Beit Yosef (OC 27) cites a *machloket* on whether a learned proficiency counts, the more accepted opinion is that it does (see Mishna Berura 27:23; Yabia Omer, VI, OC 2). It is logical that while to be ambidextrous regarding strength, one needs equality because “the weak hand” is a relative term, regarding writing, the *tefillin* only have to be fastened by a hand that can do legitimate writing (see Shabbat 103a and Shoel U’meshiv II, II:58). Thus, your son only has to write reasonably with his right hand to justify putting *tefillin* on his left. (Note also that there is a minority opinion that even lefties can/should put *tefillin* on their left arm (see Sha’arei Teshuva 27:11)).

If this is not working or if it is overly stressful for your son, please get back to us.

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# Ein Ayah

(from the writings of Harav Avraham Yitzchak Hakohen Kook, z.t.l.)

## Levels of Explanation of Historical Events

(condensed from Ein Ayah, Berachot 7:34)

**Gemara:** [When Shaul was looking for Shmuel, a meeting that paved the way to Shaul becoming king, he asked a group of young women where Shmuel was, and they gave him a long-winded answer]. Why was [their answer] so long? [The *gemara* cites three answers]: because women are talkative; so that they could look at Shaul's good looks; because one kingdom cannot touch another kingdom even the width of a hair (While Shmuel was to cede leadership to Shaul, the time had not quite come for the transfer- Rashi).

**Ein Ayah:** There are three categories of causes for events: natural, choice-related, and providential. The last is the most basic, as Hashem provides a proper background for each event, as everything has its time. We learn from here that even when we know the providential reason, we should investigate its natural cause, which usually exists, and the choice-related reason. Through all of these we will arrive at a more complete knowledge of the high way in which Hashem runs the world, which is a foundation of understanding Hashem.

In this case, the natural reason was the women's talkativeness. The choice-related element was their desire to look at Shaul. The reason that transcends the others is that one kingdom cannot touch another kingdom even the width of a hair. All three elements could teach something to Shaul, who was to assume leadership of Israel.

A person of an elevated spirit, in particular, often needs low-level improvements for practical purposes. Because of his focus on lofty matters, he is likely to overlook small things, including matters that can be broken again and again into sub-parts. Someone who is not on the level to look for all-encompassing issues finds it easier to pick up on more detailed matters. A wise king should be able to widen his mind so that, while being involved in lofty overarching issues, he can still be concerned with the problems of an individual in dire straits.

*Chazal* tell us that women have more *bina* (wisdom/intuition) than men do (Nidda 45b). Some connect this idea to the generalization that women are also more talkative. Loquaciousness is not a sign of the highest level of human intellectuality/spirituality. But speech is related to the expansive ability to feel and be connected to every person and thing in the world instead of being removed and thinking only about lofty matters. Shaul's exposure at the time of his ascension to talkativeness and involvement in details was a lesson to try to improve his concern for every individual while still staying on the high level in which loquaciousness is not befitting.

Shaul's impressive looks were also noticeable at that time. While beauty lacks intrinsic value, it is a tool of the kingdom, as our sources stress (see Yeshaya 33:17; Taanit 17a). While the description of Shaul as "heads and shoulders above the rest of the nation" fit him internally as much as externally, it was time for him to notice the impact of his appearance on others. Suddenly, an unimportant trait became important as an aid to national leadership.

The matter of exact timing for a leadership change, as well as exact boundaries in anything halachic legal, are important to contemplate. When one is involved in general lofty concepts, he may not always see the need to be concerned with a small lack of preciseness. However, these fine details are actually more important matters of morality than we can discern. Therefore Hashem, in presiding over the world, is very careful about precision. Hashem delayed Shaul that small bit, as he was to notice and learn from later. When Shaul was not careful about precise timing and order and did not wait the full seven days as Shmuel had commanded him, he paid the price, whereas David would later on be careful. This is part of the humility one needs - to realize that his view of the present is so weak in relation to Hashem's ability to see the grand scheme of all creation. Coordinating the general with the specific is related to the foundation of setting proper boundaries, connecting eternity to the present time, which is the ongoing eternity. This is important if the institution of Jewish monarchy is to last with righteous stability.

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## Testimony of A Litigant's Lawyer After He Quits the Case

(condensed from Shurat Hadin, vol. VIII, pp. 502-505)

**Case:** The litigants' claims are affected by the different possible interpretations of the plaintiff's (=p) mother's will, but p was not involved in its preparation. P's lawyer says that he can answer the questions, as he wrote the will. However, the defendant (=def) counters that the lawyer cannot testify because he has an interest in an outcome for p's benefit. Although the lawyer is willing to quit the case and thus not gain from the outcome, perhaps he still has an interest or perhaps he remains invalid to testify either way.

**Ruling:** There is a professional/ethical matter, as the rules of the Bar Association say that one should not serve as a lawyer in a matter in which he is expected to be a witness. However, *beit din* accepts the lawyer's explanation that he did not expect to have to testify and that he offered to withdraw from the case as soon as he found out about the issue.

Regarding testimony of a litigant's representatives, there are various opinions. However, the Shulchan Aruch (Choshen Mishpat 123:11) rules that a representative can testify as long as he does not receive more pay based on the outcome of the matter about which he is to testify. On the other hand, the Shach (ad loc. 23) says that doing so is unseemly.

In a case where the witness is affected by the outcome of the litigation, the Shulchan Aruch (CM 37:18) accepts the majority opinion that once he distances himself from the case, he may testify. However, the Shach (37:32) says that there are many opinions that once a witness is unfit at the time he witnesses the matter, he cannot later become fit to testify before court, and therefore, one could not extract money based on such testimony.

Regarding the matter of non-monetary interests that a witness has in a case, the K'tzot Hachoshen (37:4) cites a *machloket* on the matter. The Rama (37:9) says that only monetary benefit or that it which is equivalent to it disqualifies one from testimony. The Shach (ad loc.) asks from the *gemara* (Bava Batra 44b) that says that a borrower cannot testify when it causes his creditor to have property from which to take payment for a loan, so that the borrower not look bad for not paying. This indicates that any type of benefit disqualifies. The K'tzot cites also the opinions of the Mahari ibn Lev and the Maharit, and he himself distinguishes between the witness, who must be clear of any type of benefit and his relatives, who disqualify him only if they have an actual monetary gain. In any case, since there are many opinions that any benefit disqualifies, this should disqualify p's lawyer from testifying in a manner that will enable him to win an award. Even in a case of doubt whether someone does or does not have an interest, we do not allow such a person to testify (Nimukei Yosef to Bava Batra 44b) and if he does, his testimony cannot help to extract money.

Therefore, in our case, where p's lawyer wants the will to be viewed as having been done in an effective way, his testimony on how it was done should not be valid to help even his former client after he withdrew from the case.

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