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HEMDAT YAMIM

PARASHAT HASHAVUA

Vayeishev, 21 Kislev 5775

Fleeing in Vastly Different Directions

Harav Yosef Carmel

One of the highlights of our *parasha* is the moment of spiritual elevation that turned to a symbol for generations of strengthening oneself in service of Hashem – Yosef's fleeing from the clutches of Potiphar's wife, thereby standing up to a great moral test.

Chazal connect between this fleeing and the miracle of the Splitting of the Sea. "In the merit of the bones of Yosef, I will split the sea for them, as it says, 'He left his garment with her and he fled outside' (Bereishit 39:12), and it is written, 'The sea saw and fled' (Tehillim 114:3)" (Mechilta D'Rabbi Yishmael, Beshalach 3).

The *haftara* of Vayeishev also speaks of fleeing, in this case, regarding the weakening of the brave and strong, who will end up fleeing the battlefield (Amos 2:14-16). Later on, the *navi* speaks about a powerful earthquake that will cause much destruction, followed by survivors being killed by sword without the ability to flee or even being taken as captives (ibid. 9:1). These two mentions of fleeing are also connected to Yosef, but in a negative way. Israel will be punished for, among other things, the selling of a righteous, poor person (ibid. 2:6), which is a reference to the sale of Yosef. The earthquake about which the prophet spoke took place at the time of King Uziyahu, and it was followed by a terrible military defeat of Uziyahu and that of the empire of Yeravam II.

It is impossible to finish this discussion without citing the fleeing that is prophesied by the prophet Zecharia (14:3-8). While using imagery from Amos, Zecharia takes it to a positive place. He tells how Hashem will go out to fight against the nations who will attack *Eretz Yisrael*. Hashem will 'stand' on Har Hazeitim, as the mountain will split, with part going toward the Dead Sea to the east and part toward the Mediterranean to the west. The *navi* then describes how the local population fled from the area of the mountains, as people fled from the earthquake at the time of Uziyahu. This section is the *haftara* reading for Sukkot, in which we read about the happenings at the end of days when our enemies will fall by means of Hashem's miracles, and He will redeem us with the coming of *Mashiach*. That earthquake is a happy, albeit frightening, one, which relives, to a great extent, the miracles and salvation of the Splitting of the Sea, which as mentioned, is connected to Yosef's righteousness.

The merits of our predecessors indeed stand up for us for thousands of generations (see Shemot 34:7). May we be worthy of seeing miracles in the merit of Yosef Hatzaddik.

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by Rav Daniel Mann

Melaveh Malka for Women

Question: My husband is careful to have a *melaveh malka* that includes bread and meat. I do not have at all. Should there be a difference between men and women on the matter?

Answer: The *gemara* (Shabbat 119b, accepted by the Rambam, Shabbat 30:5 and Shulchan Aruch, Orach Chayim 300:1) says: "One should always set his table on *Motzaei Shabbat*, even if he needs only a *k'zayit* [of food]." Rashi explains that it is an honor to Shabbat to "escort" it as one escorts a king when he leaves. Various authorities add other, esoteric reasons. A crucial (including for *techiyat hameitim*) bone in the body is nourished by food eaten on *Motzaei Shabbat* (Beit Yosef, OC 300 in the name of ancient works). Another idea is that eating after Shabbat draws the sanctity of Shabbat meals onto weekday eating (see Kaf Hachayim, OC 300:2). Some say it is a *segula* for women for easy childbirth (see Kaf Hachayim 300:4). However, *melaveh malka* has a long history of not being kept by the masses, as acknowledged by authorities who nonetheless believed in adhering to it (see Aruch Hashulchan, OC 300:3).

It is unclear to what extent *melaveh malka* is a weak but binding obligation, a proper practice (see Shulchan Aruch Harav OC 300:3; Mishna Berura 300:2), and/or a spiritual opportunity. It is also tricky to implement *melaveh malka* because there are many things mentioned by one or more *poskim* to enhance the practice (we will mention only some). The *gemara*, after the above quote, mentions both (hot) bread and meat, which some, like your husband, see as matters to be *makpid* about (see Maharsha Shabbat 119b; Mishna Berura 300:1).

The *gemara* implies (as the Taz, OC 300:1 understood) that the main factor is actually the setting of the table, and the food seems an afterthought ("even ... a *k'zayit*") or that which makes the table "the stage." Many people who are *machmir* regarding eating ignore such elements mentioned by *poskim* as a nice tablecloth, place setting, and candles – matters of *kavod* modeled after Shabbat. On the other hand, some of the reasons given for *melaveh malka* do indeed focused on food, as does the ensuing passages of the *gemara*.

Some *hiddurim* mentioned are close to mutually exclusive. It is best to have *melaveh malka* soon after Shabbat; yet, it is best to cook for it after Shabbat. One idea is to eat something right away for *melaveh malka*, with Shabbat ambience, and have more serious eating later (Siddur Beit Yaakov (Emdin) p. 206b).

Is there room for leniency not to have a *melaveh malka*? Besides the possibility that it is not halachically required, there is a serious opinion (Eliya Rabba 300:1, quoted by many; see Shemirat Shabbat K'hilchata 63:6) that any eating at *seuda shlishit* after nightfall (whose exact time is unclear) counts as a *melaveh malka*. The Tehilla L'Dovid's (300:1) cogent argument that since we treat that time as Shabbat, it cannot count for *melaveh malka* does not delegitimize the lenient *shita* (Shemirat Shabbat K'hilchata 63:6). Many *poskim* (including the Mishna Berura 300:1) say that one can fulfill *melaveh malka* without a full meal, even with fruit, as makes sense from the legitimacy of doing so for the greater obligation of *seuda shlishit* (see Shulchan Aruch, OC 291:5).

Women do have some extra room for leniency because *melaveh malka* is ostensibly a time-based *mitzva* (see doubt of Pri Megadim 300, EA 1). On the other hand, we assume that women are obligated in such *mitzvot* when they relate to Shabbat, i.e., *Havdala* and *seuda shlishit* (Machatzit Hashekel ad loc., based on Magen Avraham 291:11), as all agree regarding Kiddush (Berachot 20b). Furthermore, many women will presumably desire and deserve their share of the aforementioned spiritual treasures (see Kaf Hachayim 300:2).

In summary, your husband's practices are positive, although there is room for doing more or doing less. You do have incrementally more room for leniency than he. However, we recommend that you have at least some food in an honorable setting in honor of Shabbat after it has departed (see Shemirat Shabbat K'hilchata 63:3).



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Ein Ayah

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

What Type of Torah Ideas Are Off Limits and to Whom?

(condensed from Ein Ayah, Shabbat 1:52 – part II)

Gemara: One should not read by the light of an oil lamp [on Shabbat]. Rava said: If he is an important person, it is permitted. A question was raised from a *baraita*: “One should not read by the light of an oil lamp, lest he tilt the oil cup. Rabbi Yishmael ben Elisha said: ‘I will read and will not tilt.’ One time, he read and almost tilted. He said: ‘How great are the words of the Rabbis, who used to say that one should not read by the light of the candle.’ Rabbi Natan said that [Rabbi Yishmael ben Elisha] read and tilted and wrote [after Shabbat] in his notebook: ‘I read and tilted the oil cup on Shabbat. When the *Beit Hamikdash* is rebuilt, I will bring a fat sin offering.’”

Ein Ayah: One can connect a moral message to the halacha of not reading by the light of an oil lamp on Shabbat.

Reading the Torah causes man to contemplate its content, which can be done in two ways. The simple contemplation is to extract one thing from another in matters of halacha based on hard intellectual work of extrapolation and analysis. A more lofty contemplation is to explore the inner world of Torah thought, including the reasons behind the laws and the philosophical foundations of the *mitzvot*.

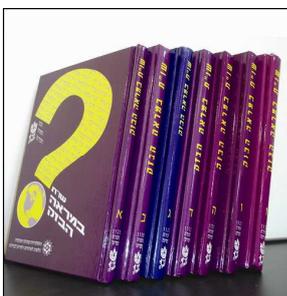
During the week, the time is conducive to practical intellectual development. Shabbat, in contrast, is uniquely capable of bringing out the elevation of the spirit, along with delving into the depths of Torah. This is the place where one must be vigilant. Study of the reasons behind the Torah can be done if it is based on the approach of faith and on emotions of unquestioning commitment and a pure love of Hashem which wells up in each person. It can increase both a person’s knowledge and his understanding of fear of Hashem, according to his level.

Looking at this element of Torah wisdom is like looking at the sun, as the *pasuk* says, “A sun and shield is Hashem” (Tehillim 84:12). The general light that emanates from Hashem and His Torah that is planted in the hearts of the members of the nation causes their knowledge and understanding of the spiritual depths of the Torah to grow.

However, we have to distinguish between the light of and the understanding of the reasons behind the Torah of the individual and of the collective. While the exact level of the individual’s ability to look into these matters differs significantly, an individual is like a candle, as it says, “The soul of a person is as a candle of Hashem” (Mishlei 20:27). However, the light of the nation as a whole is a product of Hashem’s covenant with us, which gives it extreme, all-encompassing purity, which can be compared to the light of the sun, not just a candle. Thus, the individual must be very careful not to “tilt the oil lamp.” This refers metaphorically to not leaving the paved path and presenting a warped view of Torah, based on personal approaches to the reasons behind the Torah that can cause him to act differently than one should on practical matters.

On the other hand, an important person has the right to go “off the beaten path.” When such a person delves into the secrets of the Torah, he will be able to do so in a way that brings only positive ideas, which strengthen the foundations of Torah in the hearts of many people. No pitfalls will come from the ideas of such a great person, as he can walk through the *pardes* (literally, an orchard, but a reference to the world of secrets of the Torah) and find flowers and blossoms in the secrets of the Torah, based on his personal wisdom. His personal candle will not tilt away from the paved path.

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P'ninat Mishpat

Making a Difficult Litigant Pay for Expenses

(based on Shoel U'meishiv II:II:79)

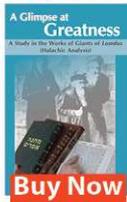
Case: Reuven lent Shimon 200 rubles with a loan document. When it came time to pay, Shimon refused not only to pay but to come before the local *beit din*. Reuven then sued him in non-Jewish court, which required an outlay of money, and won, but Shimon went to criminal court with lies about Reuven. All this did not help Shimon, and the courts made him pay the principal and expenses. At this point, Shimon turned to *beit din* and complained that Reuven had taken him to non-Jewish court without a *shtar seiruv* (a document of *beit din* that sanctions he who refuses to submit to *beit din* and allows the other side to turn to the courts). Reuven countered this with two claims: *beit din* did not write a *shtar seiruv* because Shimon is a violent person. Secondly, since there is an authorized loan contract, there is no need for real adjudication, so that Shimon's refusal to pay justifies going directly to the non-Jewish courts.

Ruling: Regarding the claim that it is permitted to go non-Jewish courts to extract payment that is chronicled in a certain type of document, the S'ma (61:14) does say something of that nature. However, the Taz (ad loc.) disagrees. In fact, even the S'ma only spoke about a case where the document explicitly states that he can extract money directly through the courts.

If, though, a *shtar seiruv* was not written because it was clear that it would not be of help, as it seems by his later aggressive behavior, then Shimon is responsible for the results of Reuven needing to go to the courts. Even though the Rama (Choshen Mishpat 26:1) prefers the opinion that whoever goes to non-Jewish court is not helped by *beit din* even if that litigant was correct, the Tumim (26:2) argues with him. In any case, the Rama is talking about a case where he did not go at all before *beit din*, whereas here Reuven approached *beit din*, and his behavior was justified by both *beit din* and the courts. Therefore, Shimon should be responsible to pay for the expenses related to the non-Jewish courts.

Even if Reuven is claiming *ribbit* from Shimon, if he had a *heter iska*, then he is allowed to receive not only the planned interest/profit, but even that which corresponds to the period that Shimon kept the money instead of giving it back.

It is possible to corroborate the above conclusion by means of another piece of logic, although it is a very novel idea. If the document was written in such a way that it could have been sold to a non-Jew and the latter could of course have gone to the non-Jewish courts, it is as if he obligated himself to be held to the rules of those courts. [*The Shoel U'meishiv applied this rule to answer certain questions, but he was troubled by the question of how far the idea can be taken without compromising the rule of being required to go to beit din.*]



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