



HaRav Shaul Israeli zt"l  
Founder and President

# HEMDAT YAMIM

## Parashat HaShavua

Balak, 10 Tamuz 5776

### Treated Like a Son – For Better and Worse

Harav Shaul Yisraeli – based on Siach Shaul, p. 330-1

An entire *parasha* is dedicated to the story of Bilam and his blessings. What is the reason that Hashem decided it is so important to us?

It is possible that it comes from the desire to show Bnei Yisrael's level at that time, which made them fit for such blessings. This, in turn, sheds light on the events that occurred in the desert. If we read the previous *parshiyot*, describing the people's complaints and quarrels, we might conclude that this was a lowly stage in our nation and that we did not really deserve to receive the Torah. However, *Chazal* laud this generation as the "*dor de'ah* (the generation of knowledge)" (Vayikra Rabba 9:1). The Torah thus shows how the brilliant enemy of the Jews, Bilam, looked for blemishes to throw at us and was unable to find them. He was left with no choice but to make such declarations as "How good are your tents, oh Jacob?" (Bamidbar 24:5).

Indeed, from the non-Jewish perspective, i.e., in comparison to what Bilam knew of the rest of the world, Bnei Yisrael's level was indeed unprecedentedly high. The reason that the Torah contains harsh criticism of the nation is because they are not judged like anyone else. It is not enough to be relatively good. It is Bnei Yisrael's responsibility to elevate themselves and, in the process, raise other nations along with them.

The above idea finds expression in the *pasuk*: "... for as a man disciplines his son Hashem disciplines you" (Devarim 8:5). We find two different kinds of strict discipline for the purpose of educating: a father who strikes his son and a teacher who strikes his student. There is a difference between the two phenomena. A (fair) teacher will only resort to strict discipline if his student is not performing reasonably. If he is doing most of what he is supposed to and especially if he is doing a good job, he will be left alone. After all, he will be as good as or better than his peers. A father is different. He doesn't care if other children are better or worse. He wants perfection from his son and the fulfillment of his potential.

That is what the Torah says about Israel. Why should they be punished if they are better than Yishmael and Edom, Put, Luv, and Canaan? The Torah says that this is a mistake, as we are disciplined as a father disciplines his son. We are not at all compared to other nations.

### Refuah Sheleymah to Orit bat Miriam

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# Ask the Rabbi

by Rav Daniel Mann

## Doing *Tevilat Keilim* Before Giving Present

**Question:** I often give glass salad bowls as presents. Is there any problem with doing *tevilat keilim* on them before giving them to save time for the recipient or out of concern that they will not do *tevila*?

**Answer:** On a certain level, *tevilat keilim* is a matter of purifying utensils we obtain from a non-Jew, but it is not classical purification but a *mitzva* act that models purification, i.e., putting in a *mikveh* (see Rambam, Ma'achalot Assurot 17:5). This can help explain some lenient *halachot*, such as that food placed or prepared in a non-*toveled* utensil is untainted after being removed (Avoda Zara 75b). However, in the context of your question, *poskim* seem to apply the concept to create a stringency, which we will see after additional background.


The Beit Yosef (Yoreh Deah 120) cites a halacha from the Hagoth Ashri that if one buys a knife to use for cutting parchment, not food preparation, and thus does not yet need *tevila*, one who borrows it from him does not have to do *tevila* even if he does use it for food. This is because a borrower is obligated in *tevila* only if the owner had an existing obligation. The Beit Yosef extends this logic to one who borrows a food-related utensil from one who bought it only to sell. Since the merchant was not obligated to do *tevila*, neither is the one who borrowed from him. Thus, using the "impure" utensil for food is not a problem if the grounds for an obligation of *tevila* did not materialize.

The Taz (YD 120:10) is not certain whether the Hagoth Ashri and/or the Beit Yosef are correct (even though the Rama, YD 120:8 brings the former as halacha). He says a borrower for food use from a merchant should, therefore, do *tevila* before using it. He warns, though, that word should be gotten to the eventual buyer to not to *tovel* it with a *beracha*. Later *Acharonim* (apparently including Rav S.Z. Auerbach, cited in *Tevilat Keilim* (Cohen) p. 241) understand that the buyer must do *tevila* even though the borrower already did it. The reason is that according to the opinions that there was no obligation to do *tevila*, the *tevila* did not work (Chelkat Binyamin 120:66; *Tevilat Keilim* 8:(9)). This must be based on the idea we started out with – *tevilat keilim* is not a matter of removing *tumah*, which should work even if there was no obligation, but of doing a *mitzva*, which usually needs to be done only after the *mitzva* is in force. In this case, the Taz and later *Acharonim* assume that not only did the borrower doing the *tevila* not fulfill the *mitzva*, but no purity was achieved. Therefore, when someone would buy and want to use it with food, he would need a new *tevila*. (While this is a surprising idea to me and not well known, the Taz seems to assume it.)

Therefore, the simple answer to your question is that your *tevila* prior to giving the present will not spare or save the recipient. Rav Cohen (ibid.) suggests having someone acquire it on behalf of the recipient, so that it will be obligated in *tevila* (as he will presumably use it for food), and at which point your *tevila* works. Rav Auerbach (ibid.) counters that since it is not clear that the recipient will use it himself, it is not yet defined as a utensil that is obligated in *tevila*. (It is not clear if/why the *tevila* will not work for the more common case that he will use it himself.)

One can suggest a different idea. You can plan to (and carry out after the *tevila*), use the utensils briefly, and thus the *tevila* will be needed for you and thus will be valid. (While this seems tacky, the whole idea of opening the package and putting the utensils in a *mikveh* before giving them is not exactly standard etiquette.)

In summary, there are both halachic and social issues about *toveling* utensils you will give as a present. If the recipient is one who might *tovel* himself, you, in any case, would have to discuss the matter with him (so that if your *tevila* works, he will not do *tevila* with a *beracha l'vatata*). In doing so, you can already ask him if it would be helpful for you to acquire it on his behalf and do the *tevila* for him.



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## The Price of Hatred

(condensed from Ein Ayah, Shabbat 2:222)

**Gemara:** It is said in a *baraita*: Rabbi Nechemia said: Due to the sin of baseless hatred, a person experiences the following: quarrels enter his house, his wife has miscarriages, and his sons and daughters die when they are young.

**Ein Ayah:** All moral failings do not bring about the desired goal even according to the imagination of the delusional person who carries them out.

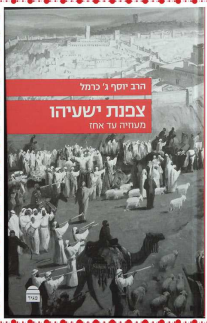
The normal foundation of the phenomenon of hatred toward another person is connected to competition in one's quest to acquire wealth. A basic reason that a person wants to accumulate wealth is to increase the honor of his household and bring success to the members of his family out of love for them. When he gets carried away with this pursuit, it turns the love for those around him into hatred for other people, who are out of his circle of people close to him.

If he does that, at the end, he will not acquire anything that he desires. The family itself, under the influence of internal deficiency due to a corrupt state of the spirit, will be full of animosity and exaggerated self-love. This will turn his home into a gathering of hateful people, as the *pasuk* says: "A man's enemies are the people of his household" (Micha 7:6). All that he tries to accomplish will turn into things that cause him heartache. That is what Rabbi Nechemia means by saying that he will have quarrels within his household.

The progression of bad actions that stem from hatred toward other people will spiral into a destructive pattern that destroys the fabric of life. First, he loses the equilibrium and the tranquility that he needs for a productive life. Then the atmosphere of upheaval makes him lose the power he needs to progress in matters that require developing good things in practice according to their potential from among the hidden powers that develop society. In this realm, the *gemara* talks about his wife losing their unborn children.

When the dangerous atmosphere deteriorates further, the person loses even his greatest hopes, those that have already come into existence, and destroys them in the fullest degree. This is what Rabbi Nechemia means when saying that his sons and daughters will die when they are young.

It is the general power of love that gives the staying power to wait all the months of pregnancy with an internal understanding and without exaggerated excitement, which destroys the process. This approach also prepares the person to be able to properly give of himself or herself in caring for the children when they are young. When the ability to love properly is polluted by a spirit of hatred, the foundations are undone and the power of destruction is displayed in ways that are closest to a person's heart and soul. It is necessary for the person to go back and cling to the ways of Hashem and love other people. After all, all people are the work of Hashem's hand upon whom he bestowed the light of life.



### Tzofnat Yeshayahu- Rabbi Yosef Carmel

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## Lawyer's Rights to Full Fees from Reluctant Client – part V

(ruling 72060 of the Eretz Hemdah-Gazit Rabbinical Courts)

**Case:** The plaintiff (=pl) is a lawyer (/owner of a law firm) who represented the defendant (=def), a wealthy businessman (/businesses he owned) in many matters, including several multimillion-shekel (attempted) purchases. Def paid pl more than 1.6 million shekels over 4 years, but pl claims that he is still owed more than 2 million shekels.

**Issue #6:** Pl encouraged def to buy a major property. After months of research and negotiations, led by pl, def wrote that he would pay pl 1,000,000 shekels for the completed deal on the day he would pay for the purchase. Soon thereafter, pl signed a letter of intent for the purchase at 64,000,000 shekels, conditional on a due diligence check and completion of a contract. Pl and def's representative in Israel found only minor issues in their check, which were thereafter mainly addressed and the contract was almost complete when def suddenly backed out. Pl claims that def did this because of a drop in the dollar (def's means of pay was in dollars). Def blamed problems with the property and accused pl of improper actions, including making unauthorized changes to the letter of intent and conflict of interest. The sellers sued def for breach of contract, who sued pl for responsibility, and def agreed to a major out-of-court settlement. Pl demands 1,000,000 shekel for finishing the deal; def refuses and is countersuing for causing the settlement.

**Ruling:** **Issue #6:** There is strong circumstantial evidence [beyond our scope] that pl represented def properly in this matter. Therefore [based on what we have discussed previously], def owes pl at least for legal work performed.

Does pl deserves full payment for bringing the deal to preliminary agreement? According to Israeli law, which was the basis of def's interaction with the seller, the signed letter of intent bound def, unless due diligence uncovered weighty issues or the seller acted in bad faith in negotiating a final contract. The drop in the dollar, the apparent issue, is an external matter which would not be a valid legal excuse (halacha apparently agrees, although the matter is not obvious – see Rama, Choshen Mishpat 304:11).

Nevertheless, pl does not deserve full payment. Regarding a *shadchan* who brings a couple to engagement, there are different practices whether he gets paid immediately or only after the marriage. The main opinion is the latter (Rama, CM 185:10), and he also does not get paid if they break off the engagement (even given financial repercussions). Our case is similar. Pl and def's agreement's stipulation of payment when def paid for the purchase implies that this would have been the completion of pl's job.

Nevertheless, def must pay pl significantly more than his per-hour rate for the following reasons. There was an earlier agreement for pay, for a large but smaller amount of money, which did not link payment to payment for the property. Since it was illegitimate for def to back out, his obligation to pl on the matter on the eve of the letter of intent should be seen, to a certain extent, as a "done deal." According to the dynamics of the case, pl was more than just a lawyer in this matter, but was involved personally in recommending to each other both sides, with whom he had a working relationship (as def knew but later denied). Backing out of the deal improperly caused a rift between pl and the seller, and this is a factor in determining the level of def's responsibility. Pl is to receive 350,000 shekels for bringing the deal to the point it reached.

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