



HaRav Shaul Israeli zt"l
Founder and President

HEMDAT YAMIM

Parashat HaShavua

Ki Teitzei, 14 Elul 5776

Don't Hide the Internal Problem

Harav Shaul Yisraeli – based on Siach Shaul, p. 521-3

There are two equal obligations of remembering found in this week's *parasha*. The more famous one is to remember what Amalek did to us. But there is also an obligation to remember the affliction of *tzara'at* that Hashem did to Miriam after she spoke a few errant words about her brother, Moshe.

Why was she punished so harshly? When a small part of a primitive tool is bent out of shape, the utensil is usually still fully functional. However, when a small part in a complex instrument, in which each part has a special function, is damaged, the utensil can be ruined.

We cannot measure the positive and negative *mitzvot* of the Torah, but there is much to learn from the consequences they bring on. If the Torah required us to remember Miriam's punishment, it is apparently so that we should internalize the importance of the sin she perpetrated.

Tzara'at comes from speaking *lashon hara* (Arachin 15b), and this requires one to live in isolation outside the encampment (Vayikra 13:46). Someone who serves to create disharmony within society and fosters hatred and jealousy is best isolated, where he does not spread his practices. There is a special *mitzva* to be careful with *tzara'at* (Devarim 24:8), from which we learn the prohibition to cut off flesh that has *tzara'at* on it (Makkot 22a).

Speech and thought have an impact on the body, and the sin of *lashon hara* can leave a sign on the body. Impure blood ruins the circulatory system and causes afflictions to the skin. If a person does not have remorse over his actions and accept the consequence of temporary isolation, he may want to just cut off the *tzara'at* and make believe he never received it. We are affected by those who have this trait, who, on the outside, present themselves as pure when they are not, as they themselves are negatively by it. It is easier to heal a blemish that one can see. When it is hidden, it is most dangerous. Healing must be systemic and not topical; the infection must be eradicated instead of having its sign covered over by cosmetics. To us, only beauty that comes from the inside is of value.

In western society, culture and fancy science are a cover-up for a lot of moral problems, such as animalistic tendencies. If one covers them with nice rhetoric, it just allows the problems to fester beneath.

Sometimes we [apparently speaking to his own beloved community in K'far Haroeh, 1938] suffice with the signs that we show others. We cover our actions and our biggest afflictions with a sign saying that we are religious laborers, an agricultural community of Hapoel Hamizrachi. Sometimes we perpetrate "idol worship" without knowing it because the sign that we place before us covers it. Yes, we worship the work that we do, our agricultural projects ... One tends to see all afflictions but his own (Nega'im 2:5). It is better to look within us and compare what is there to what the Torah expects of us. Let us investigate if there is no affliction within, lest we cut off our *tzara'at* instead of making sure it heals.

Refuah Sheleymah to Elchanan ben Adina & Orit bat Miriam

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Ask the Rabbi

by Rav Daniel Mann

Answering Monetary Questions – part II

Question: [We present a discussion that emerges from a set of questions.] People often ask us questions about financial disputes they are involved in. We respond that we do not get involved in practical monetary situations that affect another side whose view we have not heard. Most take this in stride. Others take offense. One pointed out that there are monetary discussions on our site. So, I decided to discuss our approach in more detail.

Answer: Last time, we cited sources and reasons not to answer such questions. Now we will explain why we answer a minority of such questions and relate to others.

Questions of consistency on this topic go way back. Many of the “fathers” of the prohibition to answer questions about conflicts without hearing both sides seem to violate it in other *teshuvot*. Perhaps the most important compilation of distinctions is found in the Pitchei Teshuva, Choshen Mishpat 17:11, upon which much of the below is based.

First, it is standard, recommended practice for *dayanim* who are unsure of the proper ruling to send the case’s details to get a greater authority’s opinion (Shulchan Aruch, CM 14:1). The *dayanim* are responsible for presenting the claims accurately and ruling; the expert may rely on them.

The Me’il Tzedaka (53) cites sources and a broad practice for a *talmid chacham* to answer when he knows the querier and is confident he wants to know the truth and will not formulate false claims. (The Me’il Tzedaka rejects this leniency unless the respondent believes the case does not apply to the querier.)


Other sources for leniency refer to various cases with great need to get involved, such as: 1. The information is needed to save people from sin (Shut Maharashdam, Yoreh Deah 153). (There are many *teshuvot* about *poskim* who got involved when there were suspicions about a *shochet*.) 2. Someone was attacking the integrity of a *talmid chacham* (Shvut Yaakov III,99). 3. The opinion was needed for the *mitzva* of helping a widow (Shut Maharshah 24).

Another type of case where some permit discussion is where the question relates to general halachic issues and not to factual background about which everyone agrees (Shut HaRama 112). In a related justification, *poskim* will often also say that they are not suggesting a ruling for the case, but are just explaining *gemarot* or general halachic issues to interested parties, and it is not their responsibility what conclusion those who now understand the halachic topic will say about their case.

The Pitchei Teshuva also cites an exception when the question is about which *beit din* has jurisdiction. The logic is that the alternative of addressing the matter formally before *beit din* does not apply if they cannot agree on a *beit din*.

While some of the cases where we are lenient are based on one of the above, our most common justification to express tentative opinions is in cases where there are not clear litigants. (Most of the sources discuss those who are or are expected to be litigants.) For example, a person does not want to go to *beit din* and is happy to pay or forgo the money if he is wrong. We often say: “We cannot tell you that you are right, but only if you are wrong” (see Living the Halachic Process, vol. I, J-1), and even then only when we know the person or have indications that he is sincere on this point. When it appears that someone wants to adjudicate, and we feel that he will create enemies and head/heart aches with a small chance of winning, we often will advise in general terms (and with a lack of certainty) that he would be wise to drop the matter.

The above are some of our guidelines. We request of those who turn to us: if you believe you belong to the exception, not the rule, and we are not convinced, respect our right to be more *machmir* than you were expecting or are used to. We think this is proper for an organization serving anonymous people about whose circumstances we know little and which runs a *Beit Din* which pursues ethical excellence, including impartiality, even when the advice-seeker wants answers.



We are happy to present our third volume of "**Living the Halachic Process**". The book offers a compilation of questions and answers from our "Ask the Rabbi" project. A companion CD containing source sheets for the questions is also available. The volumes can be purchased through our office at the special rate of \$24. **Special offer: buy two out of three for \$37 or, buy all three volumes for \$54**

Have a question? -email us at info@erezhemdah.org

Gemara: When our masters entered Kerem B'Yavneh (The Vineyards of Yavneh), Rabbi Yehuda, Rabbi Elazar ben Rabbi Yossi, and Rabbi Shimon, ...

Spacing in the Vineyard

(condensed from Ein Ayah, Shabbat 2:248)

Ein Ayah: It is possible to build an all-encompassing “structure” by means of a great, internal center that dwells in the midst of the nation. This center should unite all of the scattered powers that make up the overall resources of the collective.

When a single center has great strength, then the strengths of individuals throughout the nation are not afforded independent recognition. Their position depends on their relative significance within the setting of the center. However, when the center ceases to function, then the nation has to find a place for the contributions of important individuals, each one within his own realm and with his own impact on the intellectual development of the nation.

Yavneh was established after the setting of the light from Zion [i.e., the destruction of the Holy Temple] and the displacement of the main national center from Yerushalayim (may it be rebuilt soon), where it was founded. When the Temple existed, it was not important to recognize the relative position of one source of leadership to another. Only in Yavneh, which was a makeshift center, was it necessary to talk of a vineyard, consisting of row after row. It had to be set up with certain “spacing” so that one “plant not harm the growth of its neighboring plant.”

Rather they should be set up in a way that they complement each other and form “one vineyard.” This is with parallel rows that do not cross each other. Each scholar who had an approach to the implementation of Torah in national life continued on a consistent path that was uniquely his. By the unification of all of these powers, good things emerge, which create desirable fruit which bring joy to Hashem and to people. “On that day, sing about it: ‘It is a vineyard that produces wine’” (Yeshaya 27:2)

The Complementary Triumvirate

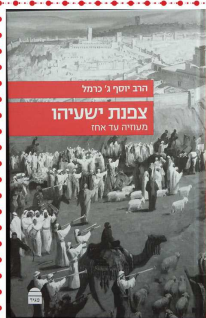
(condensed from Ein Ayah, Shabbat 2:249)

Ein Ayah: The general paths which operate within the nation can be separated into three main elements, in regard to their point of focus and character, while their overall purpose is one.

One path is the foundation of action, which relates to the greatness of practical Torah, as halacha shapes people's actions. The second path is the foundation of the emotion, which can be elevating to one's personality. It is connected to the philosophical/moral part of Torah, which is related to emotion and also guides one in setting his behavior. The third and highest level is the loftiest intellectual side, tapping into the purest divine wisdom

According to the goal set by the leaders of the generation, so will many matters come about, in people's actions, their feelings, customs, viewpoints, and imagination. The three great rabbis of Kerem B'Yavneh, with their completeness joining together, in the rows of the vineyard, came at the time they were most needed, when the centralization that the *Beit Hamikdash* represented was broken. Thus, it was necessary for the representatives of different outlooks to come together and provide a broad model for national success.

Rabbi Yehuda was the pillar of the Torah of practical halacha, which is why we follow him in his halachic disagreements with his colleagues (Eiruvin 46b). Rabbi Elazar ben Rabbi Yossi was the expert in philosophical/aggadic matters, and whenever he speaks on such matters, one should listen carefully. Rabbi Shimon was the master of deep Torah secrets, who knew things that Hashem shared with only a select few G-d-fearers. The wisdom he taught brought special light to the House of Israel.



Tzofnat Yeshayahu- Rabbi Yosef Carmel

The Prophet Yeshayahu performed in one of the most stormy and dramatic periods of the Israeli nation's life, a period of anticipation for the Messiah that was broken by a terrible earthquake, and also caused a spiritual and political upheaval. The light at the end of the tunnel shone again only in the days of Chizkiyah.

"Tzofnat Yeshayahu – from Uziya to Ahaz" introduces us to three kings who stood at this crossroad in our nation's history: Uziya, a king who sought God but was stricken with leprosy because of his sin; Yotam, the most righteous king in the history of our people; And Ahaz, the king who knew God but did not believe in His providence.

In his commentary on the prophecies of Yeshayahu, Rabbi Yosef Carmel, Head of the Eretz Hemdah-Gazit rabbinical court and a disciple of Rabbi Shaul Israeli zt"l, clings to the words of Hazal, our sages, and to the commentaries of the Rishonim, the great Jewish scholars of the middle ages, and offers a fascinating way to study Tanach. This reading attempts to explain the Divine Plan in this difficult period and to clarify fundamental issues in faith. Tzofnat Yeshayahu reveals to the reader the meaning of the prophecies in the context of the prophet's generation and their relevance to our generation.

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Faulty Chimney – part I

(based on ruling 74083 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The plaintiff (=pl) bought a fireplace/chimney from the defendant (=def) for 12,450 shekels, with the following breakdown: 8,200 for the fireplace, 2,250 for the chimney, 2,000 for installing the chimney. Two years later, 2.5 meters of the chimney corroded, and after asking def to fix it, pl bought a replacement part and fixed it himself. During the third year, the whole part of the chimney within the house corroded. Def did not respond to pl's demands to replace it, and pl hired a professional to put in a better (complete) chimney for 4,700 shekels. Pl claims that since a chimney should last around a decade, the fact that it corroded so quickly is a sign that it was never an appropriate one. He claims that the fireplace he bought was hotter than def's older models, and that soon after pl's purchase, def switched to a more expensive chimney. Def argues that he buys chimneys from a chimney manufacturer on behalf of his customers and gives service for only a year. He assumes that the damage came from pl using wet wood, which he usually tells customers not to do (because he was in a rush at the time, he did not give def instructions).

Ruling: *Beit din* does not have evidence about whether the corrosion occurred so quickly because it was not fit from the outset or because of improper use. If the former, pl can void the sale, as it is accepted in society that a chimney should last far more than two/three years. It does not help def that, in some ways, he was just a go-between between the manufacturer and pl (see Shulchan Aruch, Choshen Mishpat 232:19). Although usually if one uses an object he bought after the grounds for voiding the sale became apparent, he cannot later return it, when the buyer had little or no choice but to continue to use it, he can still back out (Pitchei Teshuva, CM 232:1).

Even if the corrosion took place due to pl using wet wood, def would still be responsible. That is because, in certain circumstances, one who accepts to give advice and does not do his job properly has to pay (see Shulchan Aruch, CM 306:6). In the case of certain sales, it is necessary to give oral and/or leave written instructions. Since def admitted that he normally does this and did not do so in this case, including after pl complained to him that there was corrosion on part of the chimney, he is responsible either way.

Def claims that industry standard is to give a warranty of only a year for chimneys and, in this case, nothing was written. However, this will not exempt def because a warranty is given to increase liability, not to decrease it. If something happened which pl could not prove was def's fault, then after a year, def would be exempt. However, since there is no reasonable explanation other than that def is responsible, the lack of a warranty does not exempt him.

What we have explained justifies def returning that which was paid for the chimney. However, it does not justify pl's replacement of the chimney with a better model, as he did not pay for an improved chimney.

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