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Parashat HaShavua

Lech Lecha, 8 Cheshvan 5778 "The Canaanites Were Then in the Land" Harav Yosef Carmel

Hashem's command to Avraham with which our *parasha* begins is listed as one of the ten tests that Avraham was asked to pass (Avot 5:3), and some say that it even included two tests (Avot D'Rabbi Natan 33). We will try to explain the difficulty of the task, which made it so highly regarded.

The first sub-section of the *parasha* ends as follows: "Avram passed through the Land to the place of Shechem, to Elon Moreh, and the Canaanites were then in the Land" (Bereishit 12:6). Why is it significant that the Cannanites were in the Land at this time, and why does the Torah stress the word "then"?

Rashi was undoubtedly bothered by these questions when he explained that the Canaanites had been capturing the Land from the descendants of Shem, to whom the Land was originally slated. When Hashem gave the Land to Avraham, a descendant of Shem, He was in that way returning it to its proper owners. This is difficult, though, as Rashi himself indicates elsewhere that both the Land of Israel and Egypt were slated for the sons of Cham (Canaan and Mitzrayim). Nimrod, another descendant of Cham, left Egypt and conquered the land from there until Assyria, and the bridge between these two places is *Eretz Yisrael*.

Let us remember that Nimrod was the major enemy of Avraham, highlighted of course by Nimrod's throwing Avraham into the furnace. He controlled all of the Middle East, with the Canaanites, his cousins, being those who lived in *Eretz Yisrael*, then called the Land of Canaan. Of all places, Hashem chose to send Avraham there, and there he called out in the name of Hashem. He offered sacrifices, set up centers of monotheism in Beit El and in Elon Moreh, and preached a life based on the sanctity of the family, justice, and charity.

These were all values that were antithetical to those of Cham and his son Canaan. They were the ones who uncovered their grand/father Noach, which may have included sodomy or castration. In any case, their activities were what was described at Noach's times as "destroyed all flesh in the land" and forsook the covenant with Hashem. To counter this, Hashem made a new covenant with Avraham, including one in which he gave the Land to Avraham and commanded him in *brit mila*, which puts a stress on the purity of family life. The burden that Hashem put on Avraham, to elevate himself and those around him specifically in the land where the Canaanites live, was a huge challenge and test. That is why "then," the height of the Canaanite occupation, was the hardest time for Avraham to succeed.

Let us pray that we will merit establishing in *Eretz Yisrael* a society based on a life of purity and sanctity, based on principles of kindness and justice. This is the legacy we inherited from Avraham. May we succeed in being a light unto the nations and that they will recognize this.

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Ask the Rabbi

by Rav Daniel Mann

Unintentional and Innocuous Deceit

Question: I ordered something and had it delivered to my in-laws' house. I forgot to mention it to them, so when it arrived, they assumed it was a gift for them and thanked me. Is it permissible to "play along" and pretend it was intended for them?


Answer: One forbidden form of *geneivat da'at* (deceiving someone) is when one sells a defective item, even when the buyer does not lose money from it (Chulin 94a). However, the same *gemara* includes several cases where Reuven makes Shimon think he is intending to give him something, when in fact he did not have that intention. One case is when Reuven urges Shimon to eat with him when he knows Shimon will not eat. Another is when he brings to his friend a utensil in a way that looks like he is bringing something of value, but he is not. Furthermore, the *gemara* forbids opening before a guest a barrel of wine most of which was already earmarked for sale. (Because the wine of newly open barrels tastes better than those open for a while, opening a new barrel looks like a big gesture to the guest.) Rather, says the *gemara*, you have to inform them that you would have had to open the barrel soon anyway.

Therefore, at first glance, it is problem to make your in-laws believe you gave a present. However, for one or more reasons, you are not required to tell them. First, we look at the reasoning behind the prohibition of this type of *geneivat da'at*. Rashi explains that the deceiver causes the recipient to feel that he owes him more reciprocally than he does. Had the recipient of the favor/gesture realized the situation, he would not be as generous in return. Thus, if there is no reason to expect any change in reciprocity due to the act, it is likely permitted to present a more positive picture than exists, and parents (in-law) usually give their children unrelated to little gifts their kids give them. (We do not usually make such distinctions regarding prohibitions, but a prohibition whose action is fine and the whole problem is situational is likely different.)

The following story (*gemara*, *ibid.* b) is very instructive. Two rabbis happened to be traveling in the opposite direction of a third rabbi. When they met, the third rabbi expressed his appreciation that they came to greet him. One of the two nicely corrected his mistake to avoid deceiving the third. The second one told the first he was mistaken in disappointing the third and that deception was not a problem because he had "deceived himself." The Shulchan Aruch (Choshen Mishpat 228:6) rules like the second rabbi, that if the "recipient" should have realized that he actually did not receive a favor, the "giver" does not have to correct him. We can learn a stringency and perhaps also a leniency from this ruling. One might need to correct a misimpression even if he did not purposely do anything to create it if it turns out that he created the error. The leniency is that if he "should not" have jumped to the erroneous conclusion, the "giver" does not have to correct it. You would know better than we can how this idea applies to your case.

Another leniency is that it is permitted to give the wrong impression if the motivation of the "deception" is not to win favor but for the honor of the recipient (*gemara* and Shulchan Aruch *ibid.*). In this case, it might be embarrassing to tell your in-laws that they made a mistake, although one could argue that it is not embarrassing, as it was your mistake not to tell them the item was coming for you.

Another difference is that, by letting them keep the item, you are, in truth, actually giving them a present. It turns out that they do have reason to be grateful. When one gives an actual present, whose degree is understood correctly (as opposed to the case of opening the wine), we do not find an obligation to divulge all the circumstances under which you gave it. For example, if you gave a nice present, you are not required to say the idea came from your sister-in-law. So too, you do not have to admit the idea of the present came from your in-laws' mistake.



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Ein Ayah

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

The Necessary Purity of Intention for Leaders

(condensed from Ein Ayah, Shabbat 5:57)

Gemara: There is a disagreement among the Tannaim as to what failing the sons of Eli were guilty of. Rabbi Meir says: The portion they had coming to them as Levi'im they requested "with their mouths." Rabbi Yehuda says: They gave the people the responsibility of making money for them. Rabbi Akiva said: They forcefully took a greater share of tithes than usual. Rabbi Yossi says: They took gifts [there are different opinions as to which gifts and whether they had any rights in them] by force.

Ein Ayah: The moral failings that begin to afflict someone who has influence and is involved in a position of public service, begin by degree, as is true for other moral failings. It is a very dangerous decline and "jumps" in strange ways because there are broad areas of moral challenge just as a leader's power spreads over a broad area.

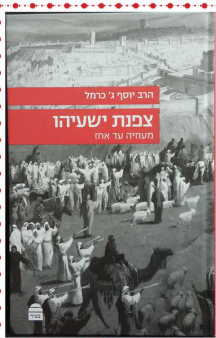
Under proper circumstances, the moral purity of a leader, especially one who serves on spiritual matters, should reach the level whereby he will not demand even the benefits a leader deserves. This is a sign that he sees his public service as so important that he does not deserve any reward for it and that he should relinquish his rights for the honor of serving in such a lofty post in the "palace of the King of the Universe," especially when involved in work of justice for the masses. If one feels comfortable demanding money, it shows that his spirit has darkened to the point that he does not feel the great value of public work and that the very involvement in such lofty matters is the greatest reward.

Once a leader leaves an approach of light, a sin drags along another sin. Not only will he no longer view himself as not deserving reward, but he will view his tasks as toilsome. Then he will feel that since he is toiling for the public's benefit, members of the public are responsible to toil to make money for him, as Rabbi Yehuda said.

From that point, he is just one step from general corruption. One who is involved in matters of justice but does not see anything special about that can be corrupt both quantitatively and qualitatively in disregard of moral responsibility. As a rule, when one is in a position that demands extra morality and sanctity and he does not elevate himself, he will lose even his previous moderate level. Involvement in justice should improve a person, making him like a partner in the creation of the world (see Shabbat 10a). When he refuses to recognize this and work diligently to succeed in his holy task, his tendency toward lowliness and his dangerous overfamiliarity with the field of justice will bring him to seek improper external honor. Quantitatively, he may take more tithes than he deserves and qualitatively he may acquire them through improper force.

It is only partially bad when he has certain rights to the thing that he seeks. If he deteriorates further, he is liable to retain only an empty connection to the world of justice, where it is just a matter of external process, and he will lack any internal desire to act justly. Then he may take "presents by force," which is a contradiction in terms. If it is taken by force, it is not a present. This is a sign of actions which he calls "justice" but share nothing positive with it. He will not even be careful to have any way to rationalize to himself why he has rights to that which he is taking.

All of these stages of deterioration start to afflict one who looks at a judicial role as an opportunity for *betza* (which can mean looking for profits or even looking for bribes). This is instead of looking at the opportunity to settle disputes between people as a divine-like activity, as "charity and justice are the foundation of His throne" (Tehillim 97:2).



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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P'ninat Mishpat

Responsibility for Car Engine's Damage

(based on ruling 72121 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: A catering business (=pl) that is peripherally related to a *garin torani* (group that runs social and religious programs in an underdeveloped community) owns a business car. They lent it to the defendant (=def), a *garin* member, who was asked to go buy a present for the *garin* head. Reuven went with def and drove the car, as he often does for *garin* needs. Along the way, the car's speed decreased, and it started making funny noises. Def and Reuven thought they understood the problem and that they could continue driving, which they did. This turned out damaging the engine, which had to be replaced at a cost of 9,500 shekels. Given the cooperation between all the above, who is responsible to pay for the damages?

Ruling: According to an expert on cars, there were two stages to the damage. First, the turbo broke with no warning. That damage was *meita machamat melacha* (occurred in the course of its work), for which a *sho'el* (borrower) is exempt. However, Reuven and def should have stopped at that point, and the second stage of damage, to the whole engine, happened due to negligence, for which a *sho'el* is obligated to pay, as is a person who actually caused the damage.

Under the described circumstances, the *sho'el* is the *garin* as a whole, who wanted a service done; def and Reuven acted as their representatives. Reuven, who drove, is obligated as one who damaged. Def, who accepted responsibility for the car on the *garin's* behalf and together with Reuven, decided to continue driving, should be seen as one who agreed to be a guarantor in the case of damage. Thus, payment could be taken from either Reuven or def (see Shulchan Aruch, Choshen Mishpat 79:1). The Shach (ad loc. 1) says that if two agree to watch something together and one of them was negligent, the one who was negligent has the primary obligation, but the owner can take payment even from the other watchman, who in turn can demand reimbursement from the one who was negligent. In our case, def is more obligated than the above second watchman because he was an active participant in the decisions.

Is the whole *garin* responsible as the one under whose auspices this all occurred? The Shulchan Aruch (CM 309:4) rules that if one rented plowing tools, which his workers used improperly and damaged them, the owner should sue the workers (in our case, Reuven/def). However, there the workers were acting on their own account to earn a living, whereas in this case, def and Reuven were doing a favor for the *garin*. Therefore, pl can demand payment from the *garin* as well, who then can demand reimbursement from Reuven/def.

The amount to be paid is not 9,500 shekels, as even before the negligence, the car already needed serious work. Fixing the turbo costs approximately 3,000 shekels, although the percentage of that expense in relation to the total cost of repair is lower. Therefore, we estimate that the total payment due is 7,500 shekels.

The above is the halacha. The sides asked what the most equitable break-up of responsibility is. Since def/Reuven were acting as a favor for the garin, it seems that their main obligation should be as members of the garin, just that they should pay at a somewhat higher rate than the others due to their negligence.

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