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HEMDAT YAMIM

Parashat HaShavua

Vayigash, 7 Tevet 5776

“Sending Everyone Out”

Harav Yosef Carmel

Before Yosef revealed his identity to his brothers, he commanded the members of his court: “Send everyone out from before me” (Bereishit 45:1). We will try to explain why it was so important to Yosef to be alone with his brothers.

The *midrash* (Sechel Tov, Bereishit 45) explains that this was done for the needs of modesty. As Yosef was going to prove his identity by showing he was circumcised, he did not want his assistants to see what was not necessary for them to see.

The simple explanation, of course, is that Yosef wanted to protect his brothers from embarrassment at the awkward situation that was to occur, which would include no small amount of explicit or implicit rebuke. *Rishonim* put stress on the rebuke, including practical ramifications, stemming from it, other than the brothers' simple embarrassment. The Ramban says that upon hearing of Yosef's sale, the Egyptians would view the brothers as betrayers and would reason that if that is the way they treated their own brother, they certainly could not be trusted to live in Egypt and visit in its palace.

The Da'at Zekeinim echoes this idea but also extends it, in showing how the matter of the sale was a bigger secret than we might assume. They claim that not only did Yaakov not know about the sale, but even Binyamin, who was not with his brothers at the time, did not know about it. In fact, they claim that Yosef broke his speech of revelation into two. At first, he just said: “I am Yosef, is my father still alive?” (Bereishit 45:3). Before he asked his brothers to approach him and mentioned the sale (ibid. 4), he had Binyamin go elsewhere so he would not hear about the sale. That way, they would not have to be embarrassed from Binyamin, and he would not know anything he should not tell Yaakov.

In fact, the accounts of the events are vague on the question of how he ended up in Egypt. He told the *sar hamashkim* that “I was stolen from the Land of the Hebrews” (ibid. 40:15). Even when the brothers spoke among themselves about their regrets vis a vis Yosef (ibid. 42:21-22), they speak of not having mercy on him but do not mention having sold him. If one looks at the *p'sukim* throughout the accounts, it is not even clear that Reuven, who was somewhat protective of Yosef, was aware that the other brothers had actually sold him and did not just throw him in the pit. Yosef does not mention it to Yaakov, and the brothers' speech to Yosef after Yaakov's death does not mention it either.

One who does talk about “the sale of a *tzaddik* for shoes” is the *navi* Amos (2:6). *Chazal* continue that theme and connect the destruction of the two Temples to that act of treachery. We know from our liturgy, the idea that a Roman Caesar forced the execution of ten scholars by saying that they needed to pay for the kidnapping and sale carried out by their forefathers. It is clear from many of the sources that the abuse of Yosef was all the more unconscionable due to the fact that they sold him and pocketed the money.

In general this idea should be a reminder. Even if one attacks another with claims of doing justice, he should make sure that he is not also trying to profit, including monetarily, from the matter.

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Ask the Rabbi

by Rav Daniel Mann

Taking Off Challa on Shabbat

Question: My sons were guests in Bnei Brak. The hosts forgot to do *hafrashat challa* before Shabbat. On Shabbat, the *ba'al habayit* separated some *challa* to be burnt after Shabbat. Was it okay for my sons to have eaten?

Answer: It is not clear what you mean by “separated some *challa*,” and the situation for your sons depends on that.

Among the *mishna*'s (Beitza 36b) long list of Rabbinic prohibitions of Shabbat and *Yom Tov* is taking *terumot* and *ma'asrot*, which includes the taking of *challa* (which is likewise theoretically slated to go to a *kohen*). Therefore, if your sons' hosts did *hafrashat challa* on Shabbat, they apparently acted improperly. We do find leniency for taking *ma'asrot* in a case where one does not have alternative food to eat for Shabbat, due to the *mitzva* of eating on Shabbat (Shulchan Aruch, Orach Chayim 261:1; see Mishna Berura ad loc. 4). However, that is only to do so during *bein hashemashot* (twilight, at the time when it is a doubt whether it is day or night). (One can contemplate some leniency as to when *bein hashemashot* ends in regards to this question, considering the issue is a Rabbinic prohibition, but we will not analyze all the opinions as to specifics.) On *Yom Tov*, it is permitted to take *challa* if the obligation began (with kneading) on *Yom Tov* (which is prohibited on Shabbat) or by making more dough and taking off from it on the existing dough/*challa* (Shulchan Aruch, OC 496:3).

However, regarding your sons, even if their host did *hafrasha* improperly, they were still allowed to eat the *challot*. This is because if one took *ma'asrot* improperly on Shabbat unintentionally (including out of ignorance of the halacha), the food may be eaten (Gittin 54a). (It is a fascinating question why we do not say that since when Shabbat started the food was not fit to be eaten, it should be *muktzeh*. However, it apparently is not *muktzeh* – see Tosafot, Shabbat 43a, Shut R. Akiva Eiger II:103; Minchat Shlomo 62.11).

Perhaps the hosts did not actually take *challa* but left enough of the *challa* (loaf) over to take *challa* from it after Shabbat. (There is a discussion among the *Rishonim* whether one may eat everything except the part that will become *challa* or whether he must leave over enough to take *challa* off and still have some bread that is permitted to eat – see Tosafot, Beitza 9a.) This practice has a strong basis, but if this is what they did, they misapplied it. Shmuel says (Beitza 9a): “Regarding the taking of *challa* of *chutz la'aretz*, one may eat now and take off the *challa* later.” This is different from the situation regarding *ma'asrot*, where until the *ma'aser* has been taken, the produce is forbidden as *tevel*.

Shmuel clearly states that this halacha is true specifically regarding *chutz la'aretz*, not Bnei Brak. However, one might want to suggest that it might apply even in Israel of our time, for the following reason. The Tur (Yoreh Deah 323) explains that Rabbinic-level *challa* has several leniencies, including that it does not have a status of *tevel*, as above. *Challa* outside *Eretz Yisrael* is certainly only Rabbinic (Rambam, Bikkurim 5:8). However, there is significant Talmudic *machloket* as to whether *challa* is of Torah or Rabbinic level in *Eretz Yisrael* (or parts thereof – see Rambam *ibid.*) of our times. The more accepted opinion is that even in *Eretz Yisrael*, *challa* is now Rabbinic (see Beit Yosef, YD 322). So can we consider being lenient to eat the bread from which *challa* will be taken later in Israel of our times? The answer is that we cannot be lenient. The Beit Yosef (YD 323, and in the Shulchan Aruch, ad loc.) rejects the above reading of the Tur and proves that, even if both are Rabbinic, *challa* in *Eretz Yisrael* is of a higher level and is modeled after the Torah law which did (and will) exist there. This is in contrast to *challa* in *chutz la'aretz*, which has “no root in Torah law.” Therefore, if *challa* was taken only on *Motzaei Shabbat*, then that which your sons ate had a Rabbinic status of *tevel*, which of course is forbidden to eat.



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Ein Ayah

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

Humility for You and Me

(condensed from Ein Ayah, Shabbat 2:112)

Gemara: The Rabbis learned: One should always be humble like Hillel and not a *kapdan* (exacting and impatient) like Shammai.

Ein Ayah: One's regard and love for people should always come from the higher side of life. In other words, whoever is connected to life will develop, at some time, that which is good and straight within himself and/or his actions. This includes lofty emotions and good pleasures, which are beneficial when they occur and far into the future, for the person involved and for the whole world. In order to enable these positive things, for which the world was created, to exist, it is worthwhile to put up with things that are negative and even potentially corruptive. We should always look for that which is related, whether closely or distantly, to goodness and wisdom, and put up with the unwanted by-products.

Whoever has a more sensitive, broadminded spirit will find it easier to find the hidden good in everything that occurs around him, even if it is not done in the desired manner. Those who want to learn from the greatest scholars should always look for the good and just. These are the elements that highlight for man that the purpose of life is for goodness and straightness, justice and wisdom, and all pleasant things that elevate the spirit.

Two factors affect how this highlighting is done: humility/patience and exactness/impatience. The humble will see the full extent of the good in something, as part of a view that good pervades the world. Thereby, even distant and difficult things can be gathered in to relate to positive things in life. *Kapdanut* demands that everything in life should be focused exclusively on goodness and correctness. This attribute warns against stumbling by using tolerance to accept negative things because of elements of goodness that exist within them.

The Leader of All Actions planted great luminaries in every generation to teach mankind the proper path. He gave different inclinations to different great people, enabling them to lead their generations and future ones in a certain manner. Some gravitated toward a central approach within which *kapdanut*, including protesting against any wavering from proper behavior, is good. Others taught that if there is a kernel of goodness, all extraneous elements can be drawn over to good. The great Hillel and Shammai differed one from the other in this point. Hillel used humility to capture the idea that a small amount of quality of purpose of life can reign supreme. Shammai used *kapdanut* to follow the quantitative indications of whether something is good or not.

It is wrong to try to decide which one of these great people was better, which is like trying to decide between heat and light. Each one is crucial within its context. However, there are few people who can follow their path in life independently and properly. Most people have to follow a great role model. In this regard, *Chazal* taught us that humility is an intrinsically better approach than *kapdanut*, both in terms of absolute truth and in terms of positive influence on man. This is the proper approach even for one who is on a far lower level than Hillel, who can still bring peace to the world through his tolerance. *Kapdanut* can work for a great person who knows how to demonstrate exactly what the correct way of living is. However, a lesser person will not succeed, as he will be unable to distinguish what the exact right manner of living is and be unable to protest in the proper way. Thus, the *kapdanut* of a lesser person will ruin his own *middot* and harm peaceful relationships.

That is what the *gemara* means by a person should always ..., meaning an average person, should follow Hillel's humility. An average person must not, Heaven forbid, follow Shammai, whose approach was only good for people like him. *Kapdanut* must not be mimicked; tolerance may be.

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P'ninat Mishpat

Paying for Non-Kosher Wine

(based on Shut Chatam Sofer, Choshen Mishpat 180)

Case: Reuven sold supposedly kosher wine on credit to Shimon, who had a retail business. Shimon sold it to several customers. Later on, it became clear based on witnesses and Reuven's admission that it was *stam yeinam* (wine handled by non-Jews, which is Rabbinically forbidden). To what extent does Shimon have to pay Reuven for the wine that Shimon already sold? What should be the arrangement be between Shimon and the people whom he accidentally caused to drink non-kosher wine?

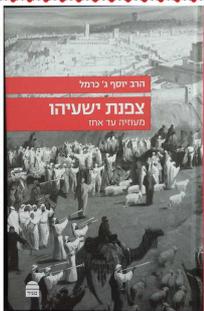
Ruling: The *gemara* (Bechorot 37a) says that if someone sells to another forbidden food and the buyer ate it, the seller has to return the sales money even though he gets nothing back. The Rambam (Mechira 16:14) says that if the food eaten was forbidden only Rabbinically, then the buyer is not entitled to a refund.

There are two main reasons given for why one gets a full refund for the non-kosher food he ate and ostensibly benefited from. The S'ma (234:4) says that the disgust of having eaten non-kosher food cancels out any physical benefit. The Shach (Yoreh Deah 119:27) says that when the Rabbis forbade the food, they did it in terms of eating it, not in terms of financial repercussions. The Shach's idea is the best way to explain the Rambam, considering that the Rambam writes famously that one who violates a Rabbinic law is also violating a Torah law of not straying from the words of the Rabbis. The point is that the Rabbis made an exception regarding cases of doubt; we can say that monetary ramifications are another exception.

However, we see otherwise from a comparison to the halacha of a man who unintentionally married a woman who was forbidden to him. She receives the additions to the *ketuba* that her husband agreed to because we assume that since he did not look into her status, he did not care about the prohibition. In contrast, one does care not to have *treif* meat. This shows that the S'ma is correct that the monetary ramifications are a function of the degree to which we assume one is upset by the specific prohibition.

Regarding the question about the distinction between Torah and Rabbinic prohibitions, considering the Rambam's approach, the Maggid Mishneh correctly points out that it is permitted to be involved in commerce of Rabbinic prohibitions. Commerce is forbidden for Torah prohibitions due to the possibility that he will come to eat from them. As it is permitted for Rabbinic prohibitions, apparently the Rabbis did not view such unintentional prohibitions as seriously. For the same reason, if one did eat a Rabbinic prohibition he received from the seller, he cannot say that the eating was not beneficial. For that reason, one has to pay at least for the price of non-kosher meat, and when he already paid the full price, he does not get it back.

In our case, certainly that which was not drunk yet can be returned as *mekach ta'ut*. Therefore, when Shimon's buyers bought it, the wine was actually still Reuven's. In fact, the buyers did not acquire the wine until they drank it, and fundamentally they have to pay Reuven only the price of non-kosher wine. In practice, Reuven can demand of Shimon to either return his wine or give him the price of non-kosher wine, and Shimon can collect that money from his buyers.



Tzofnat Yeshayahu- Rabbi Yosef Carmel

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