



Parashat HaShavua

Ki Tetzei, 14 Elul 5779

Different Types of "Arranged" Marriages Harav Yosef Carmel

Our parasha opens with "difficult" p'sukim about the possibility of taking an eshet yefat to'ar, a beautiful woman from the enemy camp. Chazal depict this phenomenon as a step the Torah allowed to deal with a difficult situation for one's evil inclination (Kiddushin 21b). Ostensibly, we are talking about the possible overflowing of bad thoughts through the atmosphere produced by the heat of battle.

Let us try to give a broader context to the phenomenon. In our times, it is much easier to understand that "going out to war" is a wider experience than just rolling out the tanks. Warfare includes computers, which can be more powerful than Alfred Nobel's explosives. Even in ancient times, many of the struggles were held in fancy rooms, as people indulged in food and drink, without spears and swords. This was the world of diplomacy through which one nation could gain control over another nation by means of diplomacy, without bloodshed. The end of every such diplomatic effort was a wedding. The stronger king received the daughter of the weaker king, with the daughter representing the day-to-day dominion of the vassal to the dominant leader.

In the metaphorical sense, then, the "female captive" need not have had her hands bound, but could have been a princess given to the stronger king without her necessary interest in the matter. The idea of removing her "garments of captivity" refers to her changing her mode of behavior, as she must not bring the influences of her native nation into the Jewish king's palace.

We can prove the relevance of this approach from the story of David. David's third son, who was born in Chevron, was Avshalom the son of Maacha the daughter of King Talmay of Geshur (Shmuel II. 3:2-3). Chazal refer to Maacha as an eshet vefat to'ar and to Avshalom as a ben sorer u'moreh, a rebellious son, who is put to death, under certain unusual circumstances, due to expectations about his increasing moral/social deterioration. They say that David had such a bad son because the son's mother had been an eshet yefat to'ar (Pesikta Zutrata, Ki Teitzei 36a).

If an eshet yefat to'ar is only a literal POW, it is difficult to understand the scenario. That would mean that David fought the King of Geshur during the time he served as king in Chevron. At that time, though, David was only king over the Tribe of Yehuda and he was under the sphere of influence of the Plishtim. How would he dare go all the way to the Golan Heights to fight Geshur?

It is much more reasonable to posit that David "acquired" Maacha as a political arrangement. Some of the most influential people in the Tribe of Yehuda had married into the family of Machir from the tribe of Menashe, who had 23 cities in the area of the Gilad, making them neighbors of Geshur in the Golan (see Divrei Hayamim I, 2:21-22). The Tribe of Menashe had special connections with the neighboring kingdoms of Aram, which included the small kingdom of Geshur (see ibid. 7:14). In that context, the Judean up-and-coming king made a diplomatic connection with Geshur, one that resulted in getting the princess as a wife. This arranged marriage was equated with eshet yefat to'ar and indeed resulted in the problems with her son Avshalom.

Let us pray that the IDF will remain the world's most moral army and will not Heaven forbid get involved in any activity of eshet yefat to'ar or any other that could ruin its level.

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Those who fell in wars for our homeland. May Hashem avenge their blood!





Ask the Rabbi

by Rav Daniel Mann

Missing a Key Word from Al Hamichya

Question: Unfortunately, I did not look at a *siddur* last night when reciting *Al Hamichya*. I made a couple mistakes along the way, and I remember specifically leaving out the words "al ha'aretz" in the *chatimah* (end part). Was I *yotzeh*?

<u>Answer</u>: Indeed, it is important to either know *Al Hamichya* very well or have access to its text in writing. But everyone makes mistakes sometimes, so let us see whether leaving out the words "*al ha'aretz*" (the Land) invalidates the *beracha*.

Al Hamichya's generic term is Me'ein Shalosh, which also covers the beracha acharona on prominent fruits of Eretz Yisrael and wine. The term means "similar to the three," i.e., the three (main) berachot of Birkat Hamazon. A baraita (Berachot 48b) derives from the pasuk about Birkat Hamazon that the three berachot need to cover three elements: the food Hashem gives us; the Land He has given us; Jerusalem, for whose rebuilding we pray. Me'ein Shalosh, the abridged Birkat Hamazon, also includes these elements, with overlapping language. In Birkat Hamazon, if one missed an entire beracha or even a crucial element of one, he needs to repeat Birkat Hamazon (Shulchan Aruch, Orach Chayim 188:3-4; see Mishna Berura 188:8). Does the same apply to your omission of Eretz Yisrael in Me'ein Shalosh?

The first thing to note is that it is likely that you referred to *Eretz Yisrael* earlier in the *beracha* (*eretz chemdah tova u'rechava sheratzita* ...). *Me'ein Shalosh* is one of the *berachot* that ends with a short *beracha* that encapsules the whole *beracha* (see Berachot 11a). Since the Land is a focal point of the *pasuk*, of *Birkat Hamazon*, and of *Me'ein Shalosh*, it makes sense that if it is missing, the *beracha* is invalid. In general, the end of the *beracha* is critical, and very possibly more so than the rest of the *beracha* (the matter is complex – see Berachot 12a; Shulchan Aruch, OC 59:2 and Bi'ur Halacha ad loc.). In this case, it may also help that right before the end of the *beracha* we say "*nevarechecha aleha* ...," blessing over the Land. Realize also that while there is a *beracha* dedicated to Yerushalayim, it is not found at the end. In fact, it is problematic to end off a *beracha* on more than one theme. The *gemara* (Berachot 49a) therefore connects the Land and the food by saying that the land produces the food. Therefore, it should not be surprising if *b'di'eved*, leaving out "*al ha'aretz*" would not invalidate the *beracha*.

Indeed, the Magen Avraham says (208:17; the Mishna Berura 208:55 and others agree) that if one does not mention the Land at the end, he is *yotzei*. His proof is from Tosafot (Berachot 44a), who deals with two versions of the ending of *Me'ein Shalosh* for wine: some mention "*gefen*" and "*pri hagefen*" and others mention "*ha'aretz*" and "*pri hagefen*." The Magen Avraham infers that the question is which is <u>better</u>, but that the first version would certainly be valid *b'di'eved*. It is possible to claim that he only refers to *Me'ein Shalosh* on wine, but most understand him to be talking generally (see V'ten Beracha 20:(56)).

It is likely that these lenient opinions are based on the fact that the Land was already mentioned. However, one can argue that, *b'di'eved*, *Eretz Yisrael* can be left out totally. The Shulchan Aruch (ibid. 17) says that if one recited the first beracha of *Birkat Hamazon* instead of *Me'ein Shalosh* for wine or dates (which are filling), he fulfilled his obligation. Since that beracha makes no mention of the Land whatsoever, we seem to see that it is not that critical to the beracha acharona. The Bi'ur Halacha (ad loc.) says that this is more understandable if *Me'ein Shalosh* is only a Rabbinically mandated beracha. On the other hand, the Chazon Ish (OC 34:4) says that what would work for a proper first beracha of *Birkat Hamazon* would not work for an improperly recited *Me'ein Shalosh* that omitted the Land or Yerushalayim (presumably he would agree with the Magen Avraham as presented above).

For one reason or another, if the only serious mistake you made in *Al Hamichya* is what you mentioned, it was valid *b'di'eved*.

Do not hesitate to ask any question about Jewish life, Jewish tradition or Jewish law.







Too Basic for Free Choice

(condensed from Ein Ayah, Shabbat 9:67)

<u>Gemara</u>: "They stood at the bottom of the mountain" (Shemot 19:17). This teaches that Hashem held the mountain over them like a flask and said to them: "If you accept the Torah, that is good, and if you do not, this will be your burial place."

Ein Ayah: Freedom of choice has special value in enabling the enhancement of man's moral level. Therefore, it has special dominion in the areas to which it applies. However, the essence of a person's set of desires is what defines him as a person. In that regard, one cannot fundamentally give any standing to freedom. We do not have freedom to desire or not desire. Desire is part of a person's very life, and life is something that we have that is not based on our choice. What we control is how we push our desires to one side or the other, to the right or to the left. This is where the hand of choice comes into play.

If the Torah only applied to a person's moral standing, it would make sense for it to have been given with full free will. But actually, the Torah is an expression of a person's essence. If a person violates the Torah, he is betraying his own identity and changing his nature for the worse. It is as the *pasuk* says (about Adam's sin – Bereishit Rabba 11:2): "He changed his face and was sent away" (lyov 14:20). It is, therefore, appropriate that the Torah will be revealed in a manner that is of essence [and by necessity], in a manner that the <u>root</u> of desire is revealed and not the revelation of the branches of desire (i.e., what he decides given his desires).

A byproduct of this fact is that the Torah does not relate only to Israel, and it follows that Israel does not exist on its own in the world. Rather, everything is interwoven within the broad existence of everything in the world. All of existence necessitates that the Torah must exist, that it be mandated to mankind, and that Israel must accept it.

Mt. Sinai, the mountain that merited being the site of the giving of the Torah became the center of the world. This did not happen by chance, as there must be a reason that the Light of the World shone His light in a way that made Sinai so central. It thereby was saturated with the power of inclusiveness. Once all of this was decided, it became impossible to have a world in which Israel would exist without accepting the Torah. Israel's status then was lined up to be a basis for all the centrality that developed upon the mountain. That is what is hinted at by the words, "They stood at the bottom of the mountain." Within the power of the mountain upon which Hashem descended with fire was a hidden power that was able to coerce. In this context, Hashem said: "If you accept the Torah, that is good, and if you do not, this will be your burial place." Only by accepting the Torah would Israel reveal their intrinsic existence in its true form. If not, all of existence would turn against Israel, as it would be turning against its true essence if they rejected the Torah.



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 seeked 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.



P'ninat Mishpat

Authority of the Beit Din to Hear Arguably Late Appeal

(based on ruling 75001 of the Eretz Hemdah-Gazit Rabbinical Courts)

<u>Case</u>: Beit din rendered a partial ruling on some of the matters in disagreement. More than 30 days after the partial ruling, but before the end of adjudication, the defendant (=def) claimed to have found proof that the plaintiff (=pl) deceived beit din in a way that was responsible for the ruling. Def claims that whenever proof is brought, it should be accepted. Pl argues that according to this beit din's rules, one only has 30 days, which have passed.

Ruling: According to Halacha, it is possible to overturn a ruling by new evidence at any point (Shulchan Aruch, Choshen Mishpat 20:1). According to the rules of our *beit din*, which operates according to the authority provided by the Law of Arbitration, once a ruling is given, it can be overturned only through the appeal process as prescribed in our rules and procedures. The reason for preferring the Law of Arbitration is that this is the only way to make rulings enforceable, and only when a *beit din* can enforce a ruling is it required to adjudicate (see Eretz Hemdah-Gazit ruling 74092). The rule in our *batei din*, is that we will not adjudicate when the sides cannot enforce our ruling.

According to the Law of Arbitration (Par. 21), a partial ruling has the same status as a full ruling regarding its finality. If the sides agreed in advance through an arbitration agreement that there will be a possibility of appeal, then that process can undo the ruling. Our arbitration agreement sets out an appeal procedure which gives thirty days to appeal. However [at the time] it did not state explicitly if the thirty days are counted from the time of the partial ruling or the end of the adjudication. Although there is some logic in both directions, the point of departure has to be that the time is from the partial ruling.

Since beit din has to adjudicate further on the dispute, we recommend that def present his new proofs, which may have an impact on the rest of the case. If it turns out that it does not impact the partial ruling, beit din will be able to explain this in its final ruling and hopefully put def's mind at rest. If it information should change the ruling, beit din can deal with the ramifications at that time. One of the possibilities is for def to appeal to the regional courts to allow the arbitrator's authority to extend to the matter of the partial ruling based on the new information.

We daven for a complete and speedy refuah for:

Yehuda ben Chaya Esther / Eliezer Yosef ben Chana Liba Yair Menachem ben Yehudit Chana / David Chaim ben Rassa Netanel Ilan ben Sheina Tzipora / Netanel ben Sarah Zehava Nir Rephael ben Rachel Bracha / Ro'i Moshe Elchanan ben Gina Devra

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