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HEMDAT YAMIM

Parashat HaShavua

Vaeira, 28 Tevet 5780

Converts in Good Times and in the Army

Harav Yosef Carmel

In the last few weeks, we have demonstrated that there were those not of Jewish lineage who served in David's army. We saw that some of them converted to Judaism at some point. We will now look at the issues this raises in regard to the *halachot* of conversion and to insights on that matter, which we can learn from these historical occurrences.

The *gemara* (Yevamot 24a) states that, out of concern for insincere conversion, "they did not accept converts at the time of David and Shlomo." *Beit din* is to accept converts, says the *gemara*, in generations in which the Jews are not at such a high station on the international stage. The Rambam (Issurei Bi'ah 13:15) also states that they did not accept converts at the time of David, out of concern that he was doing it out of fear, and at the time of Shlomo, out of concern that he was doing so due to the glorious kingdom and the financial opportunities it provided. He writes that one who converts "because of a matter that is one of the vanities of the world is not a righteous convert." However, he continues, "nevertheless there were many converts who converted at the time of David and Shlomo in front of simple people..." and that the Great Rabbinical Court took a cautious attitude toward them.

We see also the respect that was shown at David's time to converts from the story of the Givonim (see Yevamot 79a). The *gemara* tells of the extraordinary punishment of those who had caused the converts hardship, meted out by David after divine instruction. This was due to the *chillul Hashem* that would result from the treatment of the converts, and it allowed punishments in a manner that went beyond the normal rules of punishment. In any case, there appears to be a contradiction between the different approaches to the converts at the time of David, a time in which the general rule was to not accept converts at all.

The resolution to the contradiction is simple. There were many who joined David's army or joined general Jewish society at that time, due to their enthrallment with David's personality, his fine attributes, and the general high moral level of Bnei Yisrael at that time. Such people were welcome to join *Klal Yisrael*, whether to serve in the army or to be converted. There were others who were interested due to Bnei Yisrael's financial situation or other ulterior motives. This was considered conversion not with noble intentions, and only simple people were willing to convert them (although it is evident from the Rambam their conversion took hold halachically).

In our times, the situation has similarities. We welcome with open arms those who want to join the IDF if they want to be part of the divine enterprise of the return of *Klal Yisrael* to its Land. In general we will welcome anyone whose joining our people is to the fullest extent, and certainly if they are willing to sacrifice their lives on behalf of the nation and the Land.

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



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Ask the Rabbi

by Rav Daniel Mann

Using Tzedaka Funds for Grandchildren's Education

Question: Can one use *ma'aser* money to pay for their grandchildren's education? Is there a distinction between grandsons and granddaughters or Judaic studies and general studies? If it is permitted, may I putting money in a 529 fund (which earmarks savings for education, primarily post-secondary in return for tax breaks for the donor in the US)?

Answer: There are two major channels for use of *ma'aser* funds. The classic one is to help provide essentials for the poor (Ahavat Chesed II:19). Another is to enable the fulfillment of *mitzvot*. There appears to be a *machloket* if *ma'aser* money can be used for *mitzvot* (see Rama, Yoreh Deah 249:1; Shach ad loc. 3). In practice, only if the donor is not required to finance the *mitzva* is he allowed to use *ma'aser* funds (see Beitza 19b).

It is a complicated question whether the parents are able to count their children's tuition toward *ma'aser* since it is their obligation to educate their children (see Igrot Moshe, YD II 113). Regarding Torah education, it is likely permitted after *bar mitzva* (Tzedaka U'mishpat 6:14). Without getting into a discussion about what the Torah considers the ideal secular education, schooling is generally included in the positive matter of teaching a child a profession, and the obligation is on the father alone (see Kiddushin 29a). It is unclear to what extent this would be considered like a classic *mitzva*, like teaching Torah, which would justify one using his *ma'aser* money on it. However, if due to lack of funds, the child would be forced to go to public school unless someone pays his day school tuition, then the secular tuition, of boys or girls, can be taken from *tzedaka* funds, whether from the community or from grandparents' *ma'aser*, as this is a critical *mitzva*. This could apply to a college education in the framework of a *makom Torah* as well.

Grandfathers have a *mitzva* to teach Torah to their son's sons (see Rambam, Talmud Torah 1:2). It is unclear whether this includes paying for yeshiva (see Kesef Mishneh, Talmud Torah 1:2; Igrot Moshe YD II, 110), but the Shach (YD 245:1) and Shulchan Aruch Harav (Talmud Torah 1:8) assume that he is obligated. Thus, a son's son's Torah education before *bar mitzva* might not be able to be taken from *ma'aser*.

The way to justify using *ma'aser* funds for a grandchild's college education is to focus on his parents' needs. If from one's child's perspective, he needs to provide a college education that he cannot afford, then that middle generation could be considered poor for such matters (poor is whoever cannot afford that which is subjectively considered a necessity in his healthy milieu – Ketubot 67b). The needs of a close relative are a *tzedaka* precedence compared to people with less connection (Shulchan Aruch, YD 251:3). While it is possible that one who can afford to support his poor parents cannot use *ma'aser* for that purpose (see Shulchan Aruch and Rama, YD 240:5), one may give *ma'aser* money to a son who should normally be financially independent (Tzedaka U'mishpat 6:4).

Now we present crucial questions you need to answer yourself. Is your child unable to afford his children's education? To what extent is the planned education a necessity (e.g., they want their son to go an expensive university, which might not improve his future significantly compared to a cheaper alternative)? Setting up a 529 fund might complicate the answers to these questions, as one may not know when putting the money aside what the situation will be when it will be time to use it (it is difficult to reassign the funds later).

Let us hint in closing that many people who give *ma'aser* are already acting beyond their basic obligation, by not using legitimate leniencies to greatly lower their *ma'aser* obligations. They, therefore, have a right to rule leniently on *ma'aser* questions. On the other hand, the more one is noble and generous about giving *tzedaka* (within limits) the greater his merit and blessing (see Taanit 9a), which all who can afford it deserve.

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

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Ein Ayah

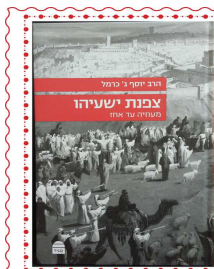
(from the writings of Harav Avraham Yitzchak Hakohen Kook, z.t.l.)

Necessary Opposition to the Torah

(condensed from Ein Ayah, Shabbat 9:107)

Gemara: When Moshe came down from before Hashem [after receiving the Torah], the Satan came and said before Him: “Master of the Universe, where is the Torah?” He said: “I gave it to the land.”

Ein Ayah: The existence of all of the systems of the world must be opposed by a power that seeks to wear it out and destroy it. Through that, there is tension, which causes the energy of those elements that want a proper world to deal with the challenge. The positive powers thus build, improve, and elevate and overcome the challenge. Before the Torah was given, the revelation of the word of Hashem was clear and set. His word was complete, and there was an explicit lofty light. Therefore, the opposing and destroying power would proliferate in the spiritual elements, in the realms of the philosophical and intellectual and their related desires. The hidden power of good, existence, and the desire to build the world would wage battle against all of the points at which the power of destruction tried to exercise its attempts at damage. Once the Torah was given, the storage house of life and goodness gathered into one place. The thought process and lofty light which emanated from the foundation of the edifice of the world and from the totality of existence became centralized in a way that the power of evil and destruction were not intermingled. For that reason, the Satan started out on a journey to look where the Torah had gone. Where could there be a storage house of life and goodness upon whose word the world could improve without the need for a power of opposition and negation but just based on the desire to build and be spiritually complete itself? The power of destruction, though, could not believe that there could be building in the world without its consistent attempts at opposition. Therefore, the Satan demanded an answer: “Where is the Torah?” Hashem answered: “I gave it to the land.” In other words, it is enough that there just be the weaker power of connection to the physical land, to which change and slippage are always connected, to awaken the desire of goodness and light. This creates a foundation of life and the prevailing of existence, so that it can be elevated from the natural tendency toward destruction and raise it to the peaks of eternity and lofty grandeur. It does not need an external intervention of void and destruction to prod it toward the positive. That is the reason that the Satan had no contact in the Torah or influence regarding its content. The Torah is in this way a “locked garden” and a “sealed wellspring” (see Shir Hashirim 4:12). It is protected from foreigners, as the *pasuk* says: “The leg of the haughty should not come to me, and the hand of the evil should not move me from my place” (Tehillim 36:12).



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

“Don't Let the Bedbugs Bite” – part III

(based on ruling 78030 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The plaintiff (=p) ran group tours that, one Shabbat, used the defendant's guest house (=def). Over Shabbat, p felt bites but assumed they were from mosquito. When the symptoms recurred at home and she discussed the matter with group members and def, who also were suffering, she figured out that she brought bedbugs home from def. Def sent an exterminator to p's house, but their one-time treatment did not help def (it helped other group members). Def entered a grueling three-month extermination regimen, which solved their problem. Pl ended up throwing out all of their bedroom furniture. Pl is suing for: the value of the discarded furniture (30,000 shekels); expenses of massive washing and drying of fabrics, including damage to the washer and dryer (7,000 shekels); buying new temporary (out of fear of recurrence) furniture (15,000 shekels); distress (10,000 shekels). Def responded that it was possible that someone in the group brought the bedbugs to def (they did not have problems before and did have afterward). Def argued that they were not at all negligent and paid for an exterminator for all involved beyond the letter of the law. (Def has insurance for the claims but relinquished their rights to them by adjudicating in *beit din* instead of secular court.)

Ruling: We saw that it is quite clear that the bedbugs came from def.

According to Halacha, def's claim that the infestation was not their fault is complicated. On some level, it is an *ones* (difficult to prevent), which even a paid watchman is exempt for. However, since they could have checked the premises between usage, it may not be a full *ones*, which would be necessary. This would be relevant only for direct damage and not for the variety of damages that came about. However, as we have shown in this field, there is an implied acceptance of such damages based on local practice.

We have mentioned that according to *minhag*, payment is impacted by the damaged person's ability to minimize the damage. Pl could have done a serious regimen of extermination. This would have been expensive and would have required pl to move out of their home for a few months, and def would have been required to pay for all of those expenses, which would have come to 22,000 shekels.

It is more appropriate to obligate def to pay for most of the expense of the new furniture and the expenses related to the washing because def did not inform pl of this opportunity and did not check in with them after def's initial extermination for themselves did not work. While the expense came to around 30,000 shekels (pl did not have full documentation of expenses), since pl also held some responsibility for not researching the best approach to take care of the problem, we will lower that which they deserve to 20,000 shekels plus 10,000 shekels for distress caused, which pl could not have totally gotten out of. Therefore, def will pay pl 30,000 shekels.

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We daven for a complete and speedy *refuah* for:

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