



HEMDAT YAMIM

Parashat Hashavua

Vayigash, 7 Tevet 5783

Harav Shaul Israeli zt"l
Founder and President

“Jealousy Is as Harmful as the Grave” Harav Yosef Carmel

The *midrash* (Shir Hashirim Rabba 8:6) connects the *pasuk* from our title (Shir Hashirim 8:6) to Yosef and his brothers. *Chazal* also warn that jealousy forces a person out of the world (Avot 4:21).

The painful results of the jealousy in Yaakov's family, as are described in Vayeishev and Miketz, are alleviated by means of a remedy to heal the problem in Yayigash. This is captured by the episode of Yosef, before revealing his identity to his brothers, saying: “Remove all people from before me” (Bereishit 45:1). This special expression comes up in another place in *Tanach*, when Amnon, the son of David, who wanted to be alone with his half-sister, Tamar, said “Remove all people from before me” (Shmuel II, 13:9).

These occurrences teach us a few things. 1. That which happened in Yaakov's family and was finally fixed shows how dangerous jealousy can be. The practical advice not to show favoritism among children is a powerful one. If not for the greatness of Yosef, the future of Bnei Yisrael, as a nation as much as a family, would have been in grave danger. The fact that Yosef was able to call out, “I am Yosef your brother” (Bereishit 45:4) was in many ways a miracle, one that we cannot rely upon.

2. The jealousy within the family of Yishai, who was also a *tzaddik* (see Shabbat 55b; Bava Batra 17a) caused people to act in a way that was not in their nature. The three older sons did not forgive David, the seventh child, for receiving the throne instead of them. This fact finds expression in the harsh words of Eliav, when he met David, on the day that David killed Goliath the Philistine. More than a thousand years later, in the time of Rabbi Yehuda Hanasi and his disciple Rabbi Chiya, there was great tension between the two. One was a descendant of King David and the other was a descendant of Shima, one of the older children of Yishai.

3. The jealousy between the sons of David forced them out of the world as well as a large part of their (potential) progeny. Amnon, the oldest of the first wife, saw himself as the heir apparent but hurt his half-sister Tamar horribly. As a result, he became unable to have his own children (Shmuel II, 13:1-17; see Rashi ad loc. 15). Tamar suffered doubly, not only from the difficult moment but from the fact that she remained alone for the rest of her life (ibid. 20).

Jealousy does not lead to good places. Adopting a positive outlook toward others teaches individuals and the public to embrace positive directions in general. Let us learn such lessons in all elements of our lives.

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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

Rings, Watches, and Tefillin

Question: I wear a wedding ring and a watch on my left arm, and I do not like taking them off. Is it permitted to keep them on when I put on *tefillin*?

Answer: The *mishna* (Megilla 24b) criticizes those who place *tefillin shel yad* on their sleeves, for believing that since the Torah calls them an *ot* (sign), it should be visible to outsiders. We learn this *pasuk* as meaning that “it is an *ot* for you - and not for others” (Menachot 37b). Rashi (Megilla 24b) seems to say that the whole problem is that it should not be done primarily toward others. The Rosh (Shut 3:4), though, understands that, given that the *tefillin shel yad* do not require being exposed, they must be directly on the skin, like the garments of a *kohen* must be, thus forbidding a *chatzitza* (separation).

How broadly does *chatzitza* apply to *tefillin*? The Rashba (to Megilla 24b) raises the real possibility that it does not apply to a *shel rosh* or to the *shel yad's retzuot* (straps) (Shut Harashba I, 827). However, he concludes (ibid.) that the practice is to be careful on the *shel rosh*, the *shel yad*, and the *retzuot*. The Rama (Orach Chayim 27:4) says that *chatzitza* is not a problem for *retzuot*. However, many commentaries (including the Taz 27:4 and the Magen Avraham 27:5) take issue on this claim, based on the Rashba's conclusion that practically we do not allow *chatzitza*. The Mishna Berura (27:16) accepts the following distinction (found in the Levush, OC 27:4 and Taz ibid.). There must not be a *chatzitza* under the part of the *retzuot* that are needed to tie the *batim* (*tefillin* boxes) down; *chatzitza* is not a problem for the rest.

There may also be other distinctions that are instructive here. The *gemara* (Menachot 35b) states that the *retzuot* must be long enough to be wrapped three times around the finger. Although there is a minority approach that this is just the required length of the *retzuot* but there does actually have to be such a wrapping (see Darchei Moshe, OC 27:5), the broad consensus is like the Rambam (Tefillin 3:12) that the finger wrappings are required based on this *gemara* (Shulchan Aruch, OC 27:8). In contrast, the idea of wrapping six or seven times on the forearm is only a post-Talmudic *minhag*, not a *halacha* (Beit Yosef, OC 27). Therefore, there is logic to claim that a watch on the wrist (bottom of the forearm) is a less problematic *chatzitza* than on the fingers (see Teshuvot V'hanagot II:26). If, as is easy to do, one gets in the seven wrappings before passing over the watch, it is even better (Yabia Omer II, OC 2).

The ring also has special leniencies. Presumably, it is on the ring finger, and the *retzuot* go on the middle finger. Although many people do a wrap or a semi-wrap over the ring finger, this *minhag* is not found in the main halachic sources. Furthermore, the *minhag* is likely in order to “spell out” a *dalet* or a *shin*, not for the regular need to wrap the finger with *tefillin* (see Piskei Teshuvot 27:17). Therefore, it may make little or no difference if there is a *chatzitza* on the ring finger.

Additionally, it may be possible to put the *retzuot* beyond where the ring is. If there is only a slight overlap, then the Magen Avraham (27:5) raises a distinction (within the Rama's opinion) between a large and a small *chatzitza*. On the other hand, this distinction does not seem accepted (see Mishna Berura 27:14). The idea of leaving the ring on all the time, which helps regarding *netilat yadayim*, likely does not help here (see Dirshu 27:(12)).

Despite all of the reasons for leniency, people are generally careful to remove their watch before wrapping on their *tefillin*. This is either a *chumra* or a way of showing extra reverence toward the dear *mitzva* of *tefillin* and is recommended by *poskim* (Teshuvot V'hanagot ibid.; Doveiv Meisharim II:37; see Pri Megadim, MZ 27:4). However, when there is any good reason to need to keep the watch or ring on (even more so if he is able to apparently avoid overlap with the ring), he may be lenient as is fine according to the regular application of halachic rules (Yabia Omer ibid.).

“Behind the Scenes” Zoom shiur

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

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Igrot HaRe'aya - Letters of Rav Kook

Encouraging Religious Agriculture – #139

Date and Place: 21 Iyar 5668 (1908), Yafo

Recipient: The Kehillot Yaakov institution, whose agenda was to encourage religious Jerusalem youth to get involved in agriculture.

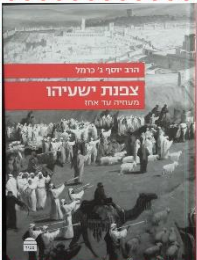
Body: A lightning bolt of a light of joy burst out in my heart when I saw your pamphlet, which in your goodness you sent to me. Even for your desire alone, your holy goal in and of itself, you are deserving of thanks and blessings from everyone who loves to see the goodness of Hashem in the land of life.

I want to hope that all of the greatest rabbinic leaders, from near and far, will lend you a helping hand. The time has come, dear brothers, that all of those who are truly diligent in matters of love of the Name of Hashem and who look forward for the light of His holy word in the Holy Land, will come out forcefully in favor of conquering the world of activity in the Holy Land. This should not come through quarreling or negative interactions, but based on positive actions, as the point is to build and to establish sources of income and sustenance through work and construction. [Providing such opportunities] for the majority of those connected to Torah is the only way to enable the most exceptional within the community who are for it, to be great rabbis who dwell permanently in the tent of Torah with deep Torah knowledge, great abilities, and understanding of the mystical sides of the Torah. [This becomes possible by injecting financial resources into the community/families].

The entire community of deeply religious people, whose hearts Hashem has touched, will have their honor raised. Their way of life, which is based on the foundation of the Torah and true belief in Hashem, when connected to building the world and expanding the actual Jewish community in the Holy Land, will be a source of inspiration for the multitude of our brethren in the New Yishuv, now and for generations.

[We embrace the activity and, with it, the success with the help of Hashem for those who follow His path, at the same time that they are deeply involved in normal human activity and hard work with one's hands, which make life pleasant and bring health to both the body and soul.] The more robust the activity the more it will widen the group of people who are attached to it and bind together those who scrupulously follow Hashem in the ways of a life of Torah, and *mitzvot*, together with the reawakening of the nation in a practical way in the Land of our Desire. This is indeed the foundation of the blossoming of the horn of salvation for the House of Israel.

Therefore, beloved brothers, be strong and valorous in hoisting the holy and lofty flag of the desire to build the Holy Land in practical ways, on the foundation of the love of Torah and *mitzvot* and the expansion of these values in the practical life in *Eretz Yisrael*, which is ever expanding before our eyes. Never leave this holy flag, as this idea is eternal and flows out of a source connected to He who gives life to all elements of the world. May Hashem grant you strength and vigor, so that you reach your sacred goals. While the pursuit of these goals may be painfully difficult in the beginning, it is full of promise for a very fruitful future.



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

The Sale of a Seriously Flawed Car

(based on ruling 81112 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The defendant (=def), from the north of Israel, sold a used car (2011 model) to the plaintiff (=pl) for 38,000 NIS, which is below the catalogue price, after informing pl that the car has faulty fuel injection that needs fixing. Pl drove home to Jerusalem, where he planned to take it to his garage to fix, but along the way, he did not like the way the car was driving and had it towed to his garage. After fixing the fuel injection, the car still did not work properly, and mechanics claimed there were serious problems in the motor and the transmission; the estimated cost to fix it was 20,000 NIS. Pl therefore wants to void the sale and recover the money he paid along with 7,912 NIS (not including the towing) for the attempts to fix the car. Def responds that he is not convinced the other problems with the car existed before its sale; rather, it is likely that the long trip to Jerusalem before fixing the fuel injection caused them. Additionally, by not checking out the car, pl waived his rights to complain about the flaws.

Ruling: *Beit din* took testimony from the mechanic in Jerusalem and the car company's auto center in Ashdod, who dealt with the car, and took special interest in the latter testimony due to their expertise. There was unanimity that the trip did not cause a problem to the transmission, and the Ashdod expert did not think it was likely that the general motor problem was from it either. Therefore, *beit din* posits that the problems existed before the sale. Due to both the expense and the centrality of these problems, pl can void the sale (Shulchan Aruch, Choshen Mishpat 232).

There is generally a *machloket* (Maggid Mishneh, Mechira 15:3 – yes; Mishneh Lamelech ad loc. - no) whether waiving the opportunity to check for blemishes precludes later voiding the sale due to them. However, in this case, the Maggid Mishneh will agree that he can still void the sale because the necessary check to find the relevant problems is expensive, and it could not have been effectively done before the fuel injection was fixed, which was agreed to be after the sale. Therefore, the sale is determined to be retroactively void.

When pl made the repairs (7,912 NIS), both sides thought he would be keeping the car, and therefore the outlays were done appropriately and pl deserves reimbursement. However, not all of the repairs were necessary, and therefore 4514 NIS suffices. The towing was not something that helped def and was pl's prerogative, and therefore he shall not be reimbursed for it.

The fact that the car switched ownership another time decreases its value to def, but that is not pl's problem. However, pl should allow def to sell it without first returning it to def's official ownership in order to not further reduce the value in a misleading manner.

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

Nir Rephael ben Rachel Bracha

Arye Yitzchak ben Geula Miriam

Neta bat Malka

Yerachmiel ben Zlotta Rivka

Meira bat Esther

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