



# HEMDAT YAMIM

Parashat Hashavua

Vaeira, 28 Tevet 5783

Harav Shaul Israeli zt"l  
Founder and President

## Interactions between Yehuda and Yosef over the Generations – part II

Harav Yosef Carmel

As we saw last week, Kalev ben Yefuneh and other descendants of Yehuda saw themselves as those who were supposed to implement the blessing that their patriarch Yehuda received from Yaakov to lead Bnei Yisrael.

Kalev's personal claim to leadership was buttressed when he was chosen to represent the Tribe of Yehuda in scouting out the Land. He was strengthened further by joining up with Yehoshua bin Nun, the representative of Ephrayim, from the sons of Yosef, in opposition to the evil plot of the other spies. Yehoshua was actually previously chosen for leadership at the time of the battle against Amalek (see Shemot 17:8-13). *Chazal* tell us that Kalev married Miriam, who in her role as a midwife in Egypt, had been promised a progeny of royalty. While Miriam's husband is called Kalev ben Chetzron (not Yefuneh), ben Peretz, it is apparent that it is the same person.

Despite this, when Moshe was close to death, Yehoshua was chosen, through a formal process (Bamidbar 27:17-18), to hold Moshe's leadership role on his own (see also Devarim 1:38). What happened to Kalev, who was also promised a reward for his loyalty and bravery in opposing the spies ("To him and his children I will give the Land that he treaded on" – Devarim 1:36)?

Looking at *Sefer Yehoshua*, one can conclude that Kalev remained silent for five years. After that, Kalev and representatives of their tribe restaged the coming of a delegation of Yehuda before Yosef (compare Bereishit 44:18 and Yehoshua 14:6). Kalev reminded Yehoshua, the present leader, that Hashem had made a promise to Kalev. In addition to land, Kalev was in essence also claiming that he had been promised a part in the leadership of the nation and that Yehuda had been promised the kingdom.

As this encounter finished, Kalev went out on a mission that was a rectification of the sin of the spies, who scared the people with the claim that they were incapable of conquering the Land of Canaan. He organized an effort to conquer Chevron from the Canaanites and destroy the giants whose image had sown fear in the nation's hearts. Kalev captured not only the city but the mountains around it, and he set up a mini-kingdom, partially by joining up with Otniel, to whom Kalev gave his daughter Achsa (see Yehoshua 15:13-17). (Otniel became the leader after Yehoshua's death.)

Another leadership crisis arose when David ben Yishai, another descendant of Chetzron ben Peretz, but not from the line of Kalev, rose to leadership. This started with a seven-year rule over only the Tribe of Yehuda, before expanding to the whole nation. The descendants of Kalev did not view this as legitimate, as we will continue to discuss next week.

In the meantime, we will continue to stress – it is permitted to vie for leadership and control in a democratic manner, but brothers should never fight each other in improper ways.

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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

## How Much Should the *Mezamen* Recite Aloud?

**Question:** I learned that the *mezamen* (= *mzm* – leader of *zimun*) should recite, if not all of *Birkat Hamazon* (= *BHM*) aloud, at least the first *beracha* and the ends of *berachot*. Most people do neither. What should I do and/or tell others to do?

**Answer:** There are two reasons for *mzm* to recite aloud parts of *BHM*.

The original institution of *zimun* was for only *mzm* to say *BHM*, with the others being *yotzei* by listening. The practice has developed that rarely is one person *motzi* others with reciting a text when not necessary. The reason is that being *motzi* is not easy, because it requires intention on both sides (Mishna Berura 8:13), concentration of the one listening (Beit Yosef, Orach Chayim 183), and likely also the latter's understanding of the Hebrew text (Mishna Berura 183:28). The Shulchan Aruch (OC 183:7) says that although everyone should recite *BHM*, it is proper for the others to do so silently at the same pace that the *mzm* does it aloud, thus uniting them in a way that resembles full *zimun* (Mishna Berura 183:27).

The above is **not** a requirement, and the broad *minhag* is not to do so. Some explain the advantages. If they listen to *mzm* as they recite it, they may not concentrate well and might not have in mind to do be *yotzei* with their own recitation (see Avnei Yaakov 31). We do not recommend, in places it is unusual, for *mzm* to read the whole *BHM* aloud. Beyond the plusses and minuses, it is also likely to give the impression of “holier than thou.”

It is somewhat common to tone down the above by reciting only the ends of the *berachot*. While listening/responding to this is insufficient to be *yotzei*, there may be value in joining for *BHM*'s most important parts, and it gives people the *z'chut* of answering *amen* (see Shabbat 119b). It is positive to do this. If the responders do not keep pace with *mzm*, it is unclear if they should answer *amen* to *mzm* in the midst of a *beracha* (see Mishna Berura 183:30; Dirshu 183:24; Yeshuot Moshe III:19).

The other element of reading aloud applies only to the first *beracha* (“... *hazan et hako!*”). Rav Nachman (Berachot 46a) says that *zimun* ends before *BHM*'s first *beracha*; Rav Sheshet says that the first *beracha* is part of *zimun*. (It is not a full part of *zimun*, as we recite it even without one, but Rav Sheshet requires *zimun* to be connected to the beginning of *BHM* (Tosafot ad loc.)) One difference between the opinions is until what point one who stops eating to answer *zimun* has to wait before resuming eating (ibid.). The Shulchan Aruch (OC 200:2, based on the Rif and Rambam) rules like Rav Nachman. The Rama (ad loc.) *paskens* like Rav Sheshet, that one waits until *hazan et hako!* to resume eating. Likely, another difference between them is whether *mzm* recites the first *beracha* aloud (see Beit Yosef, OC 183).

We rule that we do not trust ourselves to be *yotzei* with *mzm* even for the first *beracha* (see ibid.). Still, the Mishna Berura (183:28) says that *mzm* should do at least that *beracha* aloud, so people can read along with him (they go ahead at the end of the *beracha* so they can answer *amen*) and get an element of *zimun*. So why doesn't everyone do this?

Explanations begin with the fact that Rav Nachman is not a “rejected” opinion so that Ashkenazim can rely upon him in this regard (see Tzitz Eliezer ibid.). They may assume that their concentration on their own recitations is better that way (see Piskei Teshuvot 183:15) or for *kabbalistic* advantage (see Kaf Hachayim, OC 183:38). Still, we recommend for *mzm* to recite the first *beracha* aloud, when this is not a rare practice.

There is less reason to recite the first *beracha* aloud with a *zimun* of ten. The Tur (OC 200, accepted by Mishna Berura 200:9 and Chazon Ish, OC 31:2) says that in such a case, Rav Sheshet agrees that one who stopped can resume eating before the first *beracha* of *BHM* because by adding the Name of Hashem, the *zimun* is a self-standing *beracha*. If so, having *mzm* say the first *beracha* aloud is similar to his reciting all of *BHM* aloud.

Considering all the possibilities' viability, you should not “correct” people.

### “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

## The Torah as a Source of Political Theories – #140

**Date and Place:** 27 Iyar 5668 (1908), Yafo

**Recipient:** Rabbi Shmuel Alexandrov. Alexandrov was a *yeshiva*-trained scholar, who was an autodidact in languages, philosophy, and science. He was a very independent thinker who at times angered the *Maskilim* and at times angered traditional rabbis. He was a member of the Mizrachi movement and tried, over the years, to recruit Rav Kook to take a leadership role within that movement. This is one of many correspondences between the two on matters of Jewish philosophy.

**Body:** You find signs in Judaism for the political theory of liberal moral anarchy. Fine; after all, all ideas can be found in a source of truth. Truth cannot be partial but must include everything. However, truth's special quality is that it turns everything into true, illuminating light.

It is not only the anarchism that is connected to liberalism that has a source in Judaism, in the light of Israel. Individual, material anarchism also has a place, but it too must be purified when it comes to the realm of purity.

The higher recognition of unity, when it is isolated in its loftiness, by necessity declares that the whole existence of individuals is just a false impression resulting from a limited field of view. Our body's limbs have an organic connection to each other. Therefore, if one of them is damaged, all of the body feels it and is impacted by it. Similarly, we have a self-love that applies to other people, which can be called partially anarchistic. It can be broadly captured by the phrase, "For skin on behalf of skin" (see Iyov 2:4, in reference to the idea that man is more concerned with the pain that afflicts himself and not that which affects others, including those closest to him). This extends to other people based on the "pipes" that pass feeling from one person to another. These types of relationships exist on an experiential, spiritual basis in the connection between people who love each other, and this is the basis of the founding of a family. If it were not difficult to free ourselves from what we are used to, we would not find a significant difference between this extended connection of feeling and between the positive feeling and pain that extends from one limb to another or from a son to a father or two other people who love each other.

When the "pipes widen" even further, the feelings become more flowing, palpable, and noticeable. When the "national organ" is full and complete, it too "weaves a family-like fabric." This develops by broadening the pipes so that the individual unity expands to the level of nation. From the national, it can expand another step to all of humanity, and from there a step to all living things. When one is interested in all that comprises earth, and he has an internal desire to complete existence as broadly as possible, this just requires a further step of expansion, albeit a distant one. To reach such an eternal level, one need not rush the matter. However, this phenomenon can elevate the individual to be closely connected to the entire universe.

Therefore, we do not need more than anarchy, when the self-love is so great, powerful, and developed. The paths that lead to this level are paths of life that flow from the source of unity of the One G-d who is the life of all the worlds, [and this finds expression] in Judaism. When such lofty sparks of spirituality fall down, they descend and sink in the depths of the "mud of life." What we need to remember is that Judaism contains everything in a broad manner, but it has very specific and unique ways of guiding people through life. These are ways that exist for the purposes of our children and us. When the light of these ways breaks forward, we will no longer need to question the matter, as the night will be full of light like the day.

### 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

## Why Did they Stop Working?

(based on partial ruling 80029 of the Eretz Hemdah-Gazit Rabbinical Courts)

**Case:** The plaintiffs (=pl) hired a contracting company (=def), who had worked for them in the past, to add on a floor to their home. Def was to work from May until September. The sides signed an itemized price-estimate sheet – the full job was to cost 540,737 NIS. Pl was to pay after certain stages were met, but pl gave the first 100,000 NIS before work started. After serious progress through June, def's work became sporadic and stopped in Sept., after pl had paid 250,000 NIS, and with the work not close to finished. Def agreed to resume work only if pl gave serious new installments and demanded extra pay for alleged changes pl made to the plans (especially, deciding to suspend parts of the job). After pl refused to pay more before def progressed, def removed their equipment from the site, and pl began supervising the job with subcontractors. Pl has claims based on overpaying, the high price to finish the job, and damages incurred. Beit din proposed hiring an expert to appraise the value of the work done by def and of the work remaining to be done. Pl claimed that it was unnecessary because the price estimate shows the binding price of each part of the work. Def argued that the estimate cannot teach about the details, and that prices should be higher per item since pl decided to cut back on the work. This partial ruling is to decide responsibility for the stoppage of work, which determines who will pay for the expert and will impact other elements of the final ruling.

**Ruling:** Pl presented a coherent account of the facts and their thinking along the way. Def contradicted themselves and gave illogical answers to many basic questions. Among def's difficult positions was that the price estimates were highly inaccurate, and, in any case, they never presented a coherent explanation as to how their work could have been worth more than the 250,000 NIS pl had already paid.

Also, before a contractor stops work for periods that will cause them to grossly miss critical deadlines in a manner that will damage their client, they must warn the client and work diligently on dispute resolution. For most of the summer, they did none of this, but just made excuses. Def claimed that they could not continue moving forward because of negative experience with pl's payments on a previous job. However, they could not corroborate this, and this concern did not find expression in the agreed upon payment terms discussed before work began. Finally, pl presented a recording of a phone conversation in which def said he would proceed if he had money to do so, which he did not have. Pl castigated def for taking their money to use on other projects. Def is heard choking up in silence for a minute, and when pl said he was forced to replace def, def answered "100%."

Pl is correct that def took too much money and demanded even more in order to try to be solvent. This is a morally difficult but hard-to-avoid situation for one with a failing business and does not reflect def's desire to cheat pl. However, pl was clearly right, and def is responsible for all of the direct and some indirect damage to pl. We will quantify this with the help of an expert def will pay for.

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