



HEMDAT YAMIM

Parashat Hashavua

Bo, 4 Shevat 5783

Harav Shaul Israeli zt"l
Founder and President

Interactions between Yehuda and Yosef over the Generations – part III

Harav Yosef Carmel

David asked Shaul: "Why does my master chase after his servant, for what have I done, and what evil is with me?!" (Shmuel I, 26:18). He continued: "... that they banish me today from having my lot with Hashem saying, 'Go serve other gods'" (ibid. 19).

We will try to explain what stands behind this loaded and harsh pronouncement. David was pursued by three very significant factors.

A. The Plishtim, who remembered David's killing of their hero, Goliath, who made all around him quake. The Plishtim hated David greatly.

B. Shaul, King of Israel, who constantly pursued him and tried to have him killed many times and with many means, as it says: "Shaul sought him all of the days" (ibid. 23:14).

C. The descendants of Kalev ben Yefuneh, who lived in the southern part of the mountains of Chevron, who tried to get rid of him by aiding Shaul in catching him. This applied to the people of Zif, who sent word about David to Shaul (ibid. 19-20, and ibid. 26:1). Even the people of Ke'ila, whom David saved from the Plishtim, wanted to hand him over to Shaul. Hashem, through the *urim* and *tumim*, confirmed that indeed the people of Ke'ila were plotting to hand him over. Before seeing how David handled the situation, let us see what the claims of these apparent traitors were.

The *pasuk* about banishing David can be read in two ways: 1. The question is whether he would be allowed to marry a normal Jewish woman and thereby enable the Divine Presence to dwell upon him. 2. Whether he would be able to stay in *Eretz Yisrael*, where the Divine Presence dwells on a regular basis. David's detractors argued that he was not fit to marry into the Jewish people because he came from Moavites (see *Yevamot* 76b). Because of the efforts of Shaul and the descendants of Kalev to seize David, David decided to leave *Eretz Yisrael* and ostensibly join the forces of the Plishtim under Achish the King of Gat. The latter received him because they viewed him as the enemy of their enemy, Shaul, and hoped in that way to split the Israelite nation.

What caused David to take the bold step? There are a few possibilities: 1. It was a way to avoid a civil war between his forces and Shaul's. 2. It was a way to sabotage the Plishti enemies of his nation, even those compatriots who were cruel to him. 3. To help Shaul if his forces would start losing to the Plishti army. Either way, David raised a high bar for a leader acting to put the welfare of the nation before his own, as his joining up with the enemy army put him in grave danger. Only with Divine Help did he succeed in his mission.

Next week we will see why the claims of the descendants of Kalev were not accepted. In the meantime, we will continue to pray for leaders who will increase love between different parts of the nation and will put the welfare of the nation before their own and those of their political allies.

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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

Dessert after *Birkat Hamazon*

Question: A friend of mine always eats dessert after *Birkat Hamazon* in order to avoid questions about whether he should make a *beracha* on dessert. Is that appropriate?

Answer: The practice of having dessert after *Birkat Hamazon* has various consequences. It can create a *beracha rishona* in cases that do not warrant them during the meal. After most desserts, there is a *beracha acharona* after *Birkat Hamazon* and not before it (see Shulchan Aruch, Orach Chayim 177:2).

First we will look at whether this system **could be** halachically justified. A *beracha l'vatala* is when a *beracha* is either recited at a time/circumstance when it was not called for or was done in a critically flawed manner. There is a *machloket* whether this is a Torah-level (Rambam, Berachot 1:15) or Rabbinic prohibition (Tosafot, Rosh Hashana 33a). A lower level problem is what we call *beracha she'eina tzricha* (=bshtz) – a *beracha* that, at the time it was made, was called for, but one should not have put himself in that position.

The main Talmudic source for it is an opinion (Yoma 70a) that explains that in the *kri'at haTorah* in the *Beit Hamikdash* on Yom Kippur, they did not use a second *sefer Torah* because the switch of *sefarim* would have required another *Birkat HaTorah*, when this was not justified. The Orchot Chayim (Berachot 15) is one of the sources that apply it to *berachot* on food, in an almost identical case to ours – *Birkat Hamazon* before finishing eating, in order to make a *beracha* thereafter.

However, as the term *she'eina tzricha* (unnecessary) implies and the Orchot Chayim (ibid.) states, the problem is only when the additional *beracha* is created for no good reason. When, in contrast, there is a need for his actions, the *beracha* is not considered unnecessary. What qualifies as a reason? There is a *machloket* if one may make more *berachot* than should have been necessary in order to help get to the quota of 100 *berachot* each day (see Rambam, Tefilla 7:14-16 with Lechem Mishneh; Orchot Chayim ibid.).

The Shulchan Aruch (OC 174:4) comments that it is a *safek* whether one who wants to drink wine at a meal right after drinking *Havdala* wine needs to make another *beracha*. He rules that he does not make the *beracha*, out of doubt, but recommends having in mind when making the *beracha* during *Havdala* not to exempt the later wine, thereby justifying the second *beracha*. The Pri Chadash (Yoreh Deah 19:8) says that while one should not break a string of *shechitot*, which might stop the efficacy of the *beracha* toward subsequent *shechitot*, since there would be a *safek* if a new *beracha* is required, one should intend that his initial *beracha* not extend to *shechitot* occurring after speaking. In other words, while needlessly setting up the need for a *beracha* is wrong, the desire to not be in a situation of lack of a *beracha* due to *safek* justifies it. In fact, the Ohr L'tzion (II, 12:(10)), in the case of a certain dessert in where it is unclear whether it requires a *beracha rishona*, recommends eating it only after *Birkat Hamazon*. So there is room to entertain your friend's system

However, we do not recommend your friend's system, at least not broadly. If the *halacha* is clear, whether to make or not make a *beracha*, the suggested system, obviating the need to learn the *halacha*, is unfortunate. It is much better to learn *halachot* than to avoid the situations to which they apply. One of the major reasons to learn Torah is to get things exactly correct! This is especially so by *berachot*, where preciseness is valued (see Berachot 38a). That is why *poskim* discuss all sorts of dessert foods and scenarios and rarely if ever give his solution. For example, regarding a dessert of cake, we do not make a *beracha* only due to the possibility that cake counts as bread (Bi'ur Halacha to 168:8), and the *poskim* by and large do not recommend *bentching* first to remove doubt.

Furthermore, in cases which do not include doubt, an extra *beracha* is a *bshtz*. Only in unusual cases (e.g., one with memory problems), to be discussed with a *rav*, might using this system broadly be justified.

“Behind the Scenes” Zoom shiur

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Igrot HaRe'aya - Letters of Rav Kook

Is Israel So Different from the Nations? – #140

Date and Place: 27 Iyar 5668 (1908), Yafó

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 Mizrahi 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: That which it is so popular these days to speak of the development of Judaism is just one side of the coin. It is pleasant to speak about the side of Judaism that is similar to the rest of the nations. However, we need to find the opportunity to also speak freely about that which is different about us in comparison to all the other nations of the world. How long will we be so self-defeating that we should always suspect only ourselves [of being overly proud]?!
 There are many praises and high levels of greatness that are found about us in very important sources. Other nations would have proudly raised themselves to a pedestal above all if such things would have been written about them, always presenting themselves as possessing great personal advantages. Once the venom of the imported concept of liberalism started circulating in our blood, we only know how to erase the traits that make us so prominent among our surroundings. We should not diminish the differences even by a hairbreadth from the Kuzari's categorization of a fifth category (I:103).

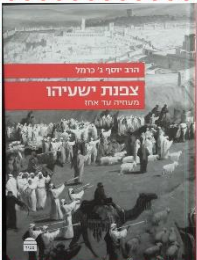
Not everything develops. Humanity has developed to become what it is, but Judaism has not. Judaism is the inner essence of humanity and existence in general. In contrast, development applies only to matters of style, and external cloaking, not to inner content. The upper unity, when it shines from one side of the world to the other, unites psychology with general cosmetology. The former needs to be recognized before it can realize its full potential, which stems from life and [spiritual] power. That is where the most lofty freedom and morality show their grandest colors.

The national psychology that burst forth at one quick moment, when the nation was amazingly elevated at the Exodus from Egypt, was unparalleled in world history. The bold elevation in the nation's psychology was so powerful that it impacted on the development of cosmetology, in the annals of human history. The generation of the desert experienced a historical episode.

It would be a disgrace to falsify our wonderful history and the special power that goes with it. The creation of a unique national psyche is especially indicative of Bnei Yisrael, which is known as "she is unique to her mother" (Shir Hashirim 6:9). Afterward, when the glow of the glorious national psyche, which was influenced by Moshe, the trustworthy shepherd, settled, a process of development began, which affected Judaism like any other nation. However, the foundational lines of elevated greatness impacted by Hashem are never erased from the nation.

The sudden spiritual elevation was lowered by the sin of the Golden Calf and the breaking of the Tablets. However, in the future, their full light will return. The paths of life will then be more visible and light emitting, and, as a result, freer and holier in regards to the sanctity of truth, which is purer than all of the fog that subdues light and presently covers sanctity.

We are now in a period in which we should show all of the lights that we have hidden in our storehouses. Even those whose practical side will not be operative until the distant future, should already be revealed to bolster our national essence, which strengthens our national character. It requires constant nourishment to grow. It would be tragic to think that we could draw the light in a purely abstract form without any practical physical expression (i.e., *mitzvot*).



**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

Car Accident – part I

(based on ruling 82016 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The plaintiff (=pl) dropped off his children and started a three-point turn, and the defendant (=def) hit pl's car. Pl sold the car for 3,000 NIS, rather than fix it. Since the car had been worth, based on the catalogue of used cars, 11,000 NIS, pl sued for 8,000 NIS. Additionally, pl sued for 2,600 NIS for the possible raising of his insurance premium if the courts (see below) incorrectly blame him. Pl claimed that he was well into his turn when def, who was going at a slow but steady speed and was looking elsewhere, hit him. Def claims that he was driving normally when pl apparently pulled out suddenly from perpendicular parking, not giving him chance to react. Def has a Mobileye anti-collision system, and the fact that it did not react proves that pl pulled out suddenly. Def argues that it is unfair to sue him in *beit din* because his insurance company will not reimburse him if *beit din* obligates him.

Ruling: There is much discussion among contemporary *dayanim* whether or not one accused of causing damage for which he is insured needs to go to *beit din* if their decision will not obligate his insurance company. Even according to the opinions that he does not need to come to *beit din*, in this case there is a need for adjudication in *beit din* because pl is also demanding compensation for the possible raise in premium, which he cannot demand of the insurance company. If we will decide that def is obligated to pay, we will deal with the question of whether he has to pay himself or whether he can be covered by the insurance company if the courts obligate them.

[We will start looking into the question of responsibility for the damage, with general sources, and will continue with more sources and analysis of what happened next time.]

The Rosh (Shut Harosh 101:5) rules that one who damages by means of the horse he is riding pays under the category of a person's damage (as opposed to, for example, the category of "an ox which damages"). The Aruch Hashulchan (Choshen Mishpat 378:20) rules that the same is true of one who is driving a horse-drawn wagon, and the same is true of driving a car.

There is a *machloket* how to apply the guidelines regarding collisions (which are discussed in Bava Kama 48b). According to Rashi (ad loc.), if either, both parties were in a position they were permitted to be in or both were in a position they were not allowed to be in, if one caused damage by an action, he is obligated even if he did so accidentally, and if he caused damage by failing to do something, he is exempt. Even if one was in the position properly and the other improperly, but the one who was there properly was aware of the presence of the other, if the proper one damaged by an action, he is obligated, and if by a lack of action, he is exempt. According to the Rambam (Chovel 6:3), in all the cases, if one damaged purposely or through negligence, he is obligated, and if he damaged without negligence, he is exempt. In one place (CM 378:6), the Shulchan Aruch rules like the Rambam, whereas in another (ibid. 7), regarding both being in the same category of appropriateness of presence, he rules like Rashi. Most *Acharonim* understand the Shulchan Aruch as having a hybrid position. It comes out that in our case, if def was in the right place and pl was not, def will be exempt; if they were of the same category, then if def saw pl, he would be obligated for the collision.

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Ori Leah bat Chaya Temima

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Yerachmiel ben Zlotta Rivka

Neta bat Malka
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