



HEMDAT YAMIM

חיים ימים

Parashat Hashavua Vayeishev, Kislev 21, 5785

Harav Shaul Israeli zt"l
Founder and President

The Visits in Beit El of Yaakov/Yisrael – part II

Harav Yosef Carmel

[Last time, we saw about Yaakov's erecting an altar in Beit El as he left Eretz Yisrael and as he returned, and the preparations of having his entourage remove idols.]

The preparations for the second episode in Beit El took place after the story of Yaakov and his sons in Shechem. Yaakov commanded the people of his encampment to remove the idols they had picked up in the area before they could go to Beit El (Bereishit 35:2). Connecting this removal of idol worship to dealing with *brit mila* in Shechem, we see a conversion process. This provides a source within the text, for the *midrash* that Yaakov was heavily involved in the realm of conversions.

In fact the *pasuk* refers to the audience of Yaakov's address as "the people who were with him." These were apparently people from around Shechem who joined Yaakov's faith community. This required a full conversion process, which includes accepting Hashem's dominion and adherence to His *mitzvot*. The *p'sukim* hint how this was done. Yaakov took the idols he collected and buried them under a tree near Shechem (ibid. 4). Hundreds of years later, Yehoshua exhorted the people to get rid of idols under the tree in the Temple of Hashem and prepare themselves to serve Hashem (Yehoshua 24:23-26). They accepted the challenge, saying: "We will serve Hashem and listen to His voice." This language echoes that which was used at Sinai, when the whole nation accepted the *mitzvot* in a "national conversion."

The episode in Yehoshua occurred when Bnei Yisrael had just entered the Land, and because of that region's historical affiliation with Jewish beliefs, there were no battles in the area of Shechem. This enabled Yehoshua to immediately after crossing the Jordan, erect an altar on Mt. Eival to renew the covenant, as Moshe was commanded (Devarim 27:1-26).

Therefore, we can say that Yaakov and family started national life for the future great nation. Not only did he lead his sons, but also those who decided to join him. It was as a leader on that basis that he returned to Beit El.

His test was in Shechem. At first, he bought a plot of land (Bereishit 33:19), as Avraham had. This let it be known that he respected individuals' ownership in the Land that nationally had been promised to him and his offspring, as long as the locals recognized that the Land was reserved for Yaakov, as a Israelite and democratic entity in which they could stay and prosper. Yaakov began with negotiations with the people of Shechem. The prince by the name of Shechem rejected this, which he showed by forcefully taking Yaakov's daughter, thereby showing "his dominance." Those who joined with Yaakov showed that they accepted the preeminence of Yaakov's nation in the making.

In step with this emergence, Hashem changed Yaakov's name to Yisrael, with the promise that a nation with kings will come from him (see Bereishit 35:10-12). The pursued Yaakov turned into the victorious Yisrael. Judaism is not based on a path in life for individuals but for the special nation that serves as a light for the nations.

The State of Israel is tasked with continuing this legacy, including as a united nation destroying its cruel enemies. While, like Yaakov, we extend our hand in peace, when it is not accepted, we know how to fight when we are forced to do so.

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

Ask the Rabbi

by Rav Daniel Mann

Switching Mantels Back on Shabbat

Question: In my *shul* (I am the rabbi), on the Shabbat after Simchat Torah, the *gabbai* switched the *mantels* (*sefer Torah* covers) of our five *sifrei Torah* from the white, *Tishrei* ones to the regular ones between *Mincha* and *Ma'ariv* of *Motzaei Shabbat*. Was that a problem of *hachana*?

Answer: The Rambam (Shabbat 23:7) says that washing dishes is forbidden (based on Shabbat 118a) because it is “like fixing” the dishes, but since it is forbidden only if done for use after Shabbat, it must be based on *hachana*, which tells us about how the Rambam defines it. The Ra'avad (ad loc.) argues that it is forbidden because he is toiling on Shabbat for a weekday.

The *halachot* of *hachana* are elusive, because several *gemarot* and accepted rulings of *Rishonim* seem to ignore it. There are opinions that only “transformative” actions (seemingly following the Rambam’s approach) or more taxing activities (seemingly following the Ra'avad’s) (see the development of Eliya Rabba’s (308:8) thesis in Pri Eliezer III, p. 616) or actions that finish a process (see Chayei Adam II, 153:6) are included. While in cases with lenient characteristics and/or need, *poskim* entertain leniencies (see *ibid.*; Mishna Berura 667:5), in general we apply *hachana* expansively, following the Magen Avraham (667:3), who forbade even bringing wine for *Havdala* on Shabbat.

If changing *mantels* had halachic rules, it might impact your question. For example, if it needed to be done by the next *laining*, we could compare it to rolling a *sefer Torah* on Shabbat to the right place for the upcoming *Yom Tov’s laining*, which most *poskim* forbid (Mishna Berura 667:5). However, we have not found such *halachot* and don’t believe they exist. Rather, people (some more than others) like to be “on the right page” chronologically. The *shul* looks unprofessional if the *chagim* and/or *Yamim Noraim* adornments are still around much thereafter and for some *gabbaim* and/or *shuls*, doing it promptly is significant as a matter of pride.

We can now compare it to a different case. Although it is forbidden to make a bed on Shabbat to sleep in it on *Motzaei Shabbat* (Shabbat 113a), it is permitted to straighten it out so that it is aesthetically appropriate according to the household’s Shabbat standards (Magen Avraham 302:6; Mishna Berura 302:19). *Poskim* presume the same is true even if it is more significant for him as preparation for sleep that night. On the other hand, there seems to be a proof, from the *halacha* (see above) not to wash dishes on Shabbat after one finished his last meal that to permit potential *hachana* based on Shabbat, that benefit must be quite significant (at least in comparison to the weekday benefit). One can ask: Besides having utensils for the next meal, don’t people prefer not having dirty dishes around their kitchen?! Apparently, in comparison to the positive benefit of having clean dishes, not having dirty dishes around is not halachically significant.

Here, it would not seem to be significant to have the “right” *mantels* on at this point. On the other hand, it is not really significant later either, as it does not have to be done by the next *laining*, and being “on the right page” ostensibly applies on Shabbat too. However, this argument appears incorrect. The aesthetic or pride element exists at all only when the *aron kodesh* is open, as otherwise the *mantels* should not be on anyone’s mind. Therefore, one could change all of the *mantels* before *Mincha* even though the *shul* is going to read from only one *sefer*, because the *gabbai* has a reasonable interest in having the right look when the *aron* is open. However, after *Mincha*, there is no real benefit.

It is difficult to claim the action of switching the *mantels* does not fall under the realm of *hachana*. It is not trivial in terms of time/effort, there was no special need, and it was clearly for after Shabbat. While the switching might be less transformative for the *sifrei Torah* than washing is for dishes, at least the great majority of *poskim* would forbid it.

“Behind the Scenes” Zoom shiur

Eretz Hemdah is offering the readership to join in [Rabbi Mann’s weekly Zoom sessions](#), analyzing with him the sources and thought process behind past and future responses. Email us at info@erezhemdah.org to sign up (free) or for more information on joining the group.

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



Igrot HaRe'aya - Letters of Rav Kook

Alternatives to Gymnasium and Grafted *Eetrogim* – #286

Date and Place: 18 Adar II, 5670 (1910), Yafo

Recipient and Background: The offices of the Mizrahi Center in Frankfurt. This is a response to their letter with questions.

Body: [First I will respond] regarding the gymnasium (Gymnasium Herzliya, an influential irreligious high school in what became Tel Aviv). I do not see benefit from opposing it publicly, as long as it will be only negative opposition. In other words, we would first need to be able to present to the community a school that is equivalent to the gymnasium, so that the only difference between the schools will be that they break the covenant with Hashem and our school will hold with great strength the banner of the light of Hashem and His Torah. The Tachkemoni school, although I, thank G-d, have great regard for it and its leaders, still cannot compete with the gymnasium in several cultural topics. Therefore, we have to be somewhat patient and work unceasingly for the school's improvement, as we have begun to do, until it is able to provide all that those who choose the gymnasium yearn for. Then we can boldly proclaim that there is no difference between Tachkemoni or our gymnasium and between their gymnasium, other than that the latter uproots our nation's tree of life, i.e., belief, from the hearts of its students, whereas the former crowns itself in the honor of belief. Then our campaign's words will be heard. We must immediately prepare our strength for this holy battle, because there is endless benefit from each moment we can do this earlier.

The matter of *etrogim* is very complicated as I explained in "Etz Hadar." If we make a general advertisement for the *etrogim* of *Eretz Yisrael* without distinction, it will not promote the proper fulfillment of the *mitzva* because there are very many (actually a great majority of the market from *Eretz Yisrael*), grafted *etrogim* from non-Jewish orchards in *Eretz Yisrael*. *Kosher etrogim* are available only from a small number of our brothers from the *moshavot*, which are under rabbinical supervision to ensure they are free from grafting. If it would be possible to publicize that not any *etrog* from *Eretz Yisrael* is desirable but only the supervised ones from our brothers from the *moshavot*, then we would attain the goal of strengthening the purity of the *mitzva* at a time that there is concern that it will unfortunately be lacking because of the many grafted *etrogim*.

Furthermore, it does not suffice to publicize [that not all *etrogim* from *Eretz Yisrael* are *kosher*] but to also tell all that the consensus of leading rabbis has always been that it is better to spend a lot of money for an *etrog* that does not look beautiful externally but is unquestionably not grafted than to buy a beautiful grafted *etrog*. If this truth is publicized, then the matter of *kosher etrogim* will be strengthened along with the development of the Jewish community of *Eretz Yisrael*, as Jews will plant *etrog* orchards when they see that people will buy their produce.

This ongoing work needs constant activity. I have already seen a public advertisement to encourage people to plant *kosher etrog* orchards and also let our brethren in the Diaspora know the truth about this dear *mitzva*, which has been slipping from Jewish hands due to the laxness in encouraging Jews to plant their fields with *etrogim*. I have just held up on publicizing this encouragement because this year is *Shemitta*, and it is definitely wrong to encourage a project that includes a lot of agricultural work.

As far as buying supervised *etrogim* during this *Shemitta* year, certainly the *etrogim* are not worse than wine and other produce of the Holy Land, regarding which we are compelled to rely on the leniency of selling the land, thus relying on the opinion that *Shemitta* does not apply to that which is owned by non-Jews. On the other hand, I will not take steps to expand marketing during the *Shemitta* year. It is more proper to begin with administrative work, which will come to fruition in future years. We are interested in things that are of value in the longer scheme of eternity, not within hours or years.

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

Itamar Chaim ben Tzipora

Nir Rephael ben Rachel Bracha

Arye Yitzchak ben Geula Miriam

Neta bat Malka

Ori Leah bat Chaya Temima

Tal Shaul ben Yaffa

Meira bat Esther

Together with all *cholei Yisrael*

P'ninat Mishpat

Overpaying Rent by One of the Roommates – part I

(based on ruling 84001 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The original plaintiff (=p1) is one of four women (p1-4) who rented an apartment from the defendant (=def) in the final year of six years that def rented to a changing group that included p1-4 and other women. P1 mistakenly paid much too much rent for four months, and demands that def return her overpayment. Def refuses to reimburse p1 because he is not sure if p1-4 as a group paid more than they were supposed to, which he claims that p1 must prove in order to extract payment. Additionally, p1-4 owe money for not painting the apartment upon leaving, which def paid for and wants reimbursed. The fact they did not paint or even let def paint before the next renters were scheduled to enter caused the new renters to back out of their rental, a damage that def also wants p1 to pay for. P1 claimed that since she entered a not freshly painted apartment, she is not required to paint, and that in general, she is not responsible for her friends, so that def should return her overpayment.

Ruling: *Beit din's* first decision was on p1's responsibility for her partners' potential obligations. The Yerushalmi (Shvuot 5:1) posits that two people who borrow together from one lender are *arevim* (guarantors) for each other, and the Shulchan Aruch (Choshen Mishpat 77:1) applies this concept to a variety of joint financial endeavors, which includes joint renting. This is especially true here because p1-4 signed a contract together (see Shach 129:2) and because they benefited from the fact they rented as a group.

There is a *machloket Rishonim* whether this type of *arvut* is of a regular *arev* or an *arev kablán*. The difference is that the former pays only if the partner lacks the money to pay, whereas an *arev kablán* can be made to pay even if the other partner is able to pay his part (Shulchan Aruch, CM 129:8,15). The Shulchan Aruch (CM 77:1) rules that they are regular *arevim*. Although p1-4 have refused to pay def, def cannot yet demand payment or offset money from p1 due to the others' obligations. Therefore, *beit din* told def that to promote his full case, he must sue all of the rental partners. [*He did this and p1-4 all took part in the rest of the proceedings.*]

P1-4 all initially claimed that they paid their part of the rental fee in full (*beit din's* analysis of the records uncovered two of them, when withholding rent with def's permission for overpaying municipal tax, had withheld hundreds of NIS too much). However, not all of them had documentation for all of their payments. *Beit din* demanded of def to list all of the payments he received, which def claimed he was not responsible to do. Even if def were to claim that he certainly was not overpaid, he still has to provide documentation because withholding documentation can be a sign that the information is against him (Rama, CM 75:1). The matter is clearer when a defendant is unsure whether he owes money. Not being sure is legitimate only when he is not able to know, not when he does not bother to find out (see Shulchan Aruch, Yoreh Deah 98:3, and Taz ad loc. 6).

We will continue with specific monetary claims next time.

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