



Harav Shaul Israeli zt"l
Founder and President

Did the Sinners from Gaza Convert?

Harav Yosef Carmel

Our *parasha* tells how Bnei Yisrael took a long route to *Eretz Yisrael*, as opposed to the coastal road, known then as the "path of the Land of Plishtim," lest the people be deterred because of the warfare they would immediately encounter (Shemot 13:17).

Who were these fearsome Plishtim? They were a tribe that came from the Greek Islands to the southern coastal area of *Eretz Yisrael* at the time that Bnei Yisrael was an up-and-coming but enslaved nation in Egypt. The secret to their strength was technological, especially in developing the ability to make iron tools of war (see Shmuel I, 13:19, regarding their "monopoly" in this realm). The wars against them were for dominion over *Eretz Yisrael* and the international routes that passed through it. See harsh prophecies against the people of *Azza* (the city of Gaza, which was one of the major Plishtim centers, along with Gat, Ashkelon, Ashdod, and Ekron) by Amos (1:6-8).

Despite the problematic nature of this hated enemy, we find that David was able to make headway with them ... off the battlefield. His special personality was responsible for some of them repenting and joining Bnei Yisrael. The prospect of taking pagans and turning them into G-d fearers is something that we pray for on Rosh Hashana and Yom Kippur ("... all who has a soul ... shall say: 'Hashem, the G-d of Israel, rules, and His Kingdom is all-encompassing'").

Let us look at what happened in Gat, the city of King Achish. David first arrived there as he was fleeing from King Shaul. The people of the city referred to him as "the king of the land" (Shmuel I, 21:12). One of the great warriors of the city, who was eventually appointed as one of David's three leading commanders (Shmuel II, 18:2), was Itai of Gat. Maybe one could claim that Itai was a Jew who happened to live in Gat, but he would be mistaken. The *gemara* (Avoda Zara 44a) says that David was able to use the crown of the conquered king, despite the fact that it had been used for idol worship, because Itai had removed it from idol use (which can be done only by an idol worshipper). We must conclude that Itai's relationship with David caused him to stop his idolatrous ways. Itai led a group of 600 Gatites who were very loyal to David and joined him with their families (Shmuel II, 15:18-22).

Achish (the king) also was impressed by David and called him "an upright person" and "like an angel" (Shmuel I, 29:6-9). Such compliments only come from one who was deeply convinced of David's fine character. Furthermore, Achish went as far as to swear in the name of Hashem (ibid. 6). So, we see that the manner in which David sanctified Hashem's name brought pagans to join, either partially or fully, the fold of believers.

Most of the Plishtim deserved the harsh criticism of Amos and others, but some repented and even converted when approached in the manner in which David knew how to do. (We would just point out that today's Palestinian's have nothing to do with the Plishtim of old. Most of them, in fact, are relatively recent arrivals who immigrated to the Land when the Jewish pioneers' development of the land caused a need for workers.)

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Ask the Rabbi

by Rav Daniel Mann

Fundamental Questions about *Lifnei Iver*

Question: I have questions about *lifnei iver* (the prohibition of facilitating another's *aveira*; we will call the facilitator, Reuven, and the violator, Shimon). Does Reuven violate *lifnei iver* only when Shimon does the *aveira*, or when Reuven facilitated the potential *aveira*? Is Reuven liable for Shimon's specific sin or is *lifnei iver* a separate *aveira*, equivalent for any facilitation?

Answer: The practical elements of *lifnei iver* are very difficult to apply and, if not applied wisely, could make interaction with not fully observant Jews untenable. Your questions, and our response, address the fundamental basis rather than the practicality; we seek perspective rather than a ruling.

You are correct that while most *aveirot* are violated at a given time, *lifnei iver* often includes a serious break, timewise and logically, between Reuven's involvement and Shimon's sin. For example, if Reuven sells non-kosher food to Shimon, hours or days may go by before Shimon does the *aveira*. This is not unprecedented. Some *melachot* of Shabbat (e.g., cooking, planting) consist of doing an action which brings a result only later. Based on this comparison, it is logical that *lifnei iver* is violated immediately. Possibly Shimon's violation is a condition for Reuven's retroactive *lifnei iver*, or perhaps even if Shimon did not sin, Reuven sinned by "placing the obstacle" as the *pasuk* (Vayikra 19:14) seems to describe.

Shabbat and *lifnei iver* are different in that Shabbat is violated without the intervention of another person, whereas *lifnei iver* requires a person to perform the transgression, usually knowingly. Considering the concept of *ein shaliach l'dvar aveira* (= *eslida*; one is not culpable for the sin he had his agent do – Bava Metzia 10b), it would be surprising if Reuven is responsible for what Shimon did, thus indicating that Reuven's sin was the **placing** of the obstacle. (One answer is that *eslida* precludes Reuven's responsibility for the specific sin, but that Shimon's violation is the culmination of *lifnei iver*.)

When *lifnei iver* applies is difficult to define. The *baraita* (Avoda Zara 6a) says that one must not give wine to a *nazir*, but this is oversimplified. After all, it is fine to sell a responsible *nazir* wine; he can bring it home for his family! This characteristic makes it logical that the violation is that if the sin is done, we apportion blame to those responsible (like when one is careless with his ox, which then kills someone).

Now for some sources. Yad Malachi (Talmud 367) posits that Reuven violates *lifnei iver* right away. One proof is from the sanction of one who violated *lifnei iver* by hitting his adult child, out of concern he will hit back (Moed Katan 17a), presumably before the child did so. The Pri Yitzchak (II, 49) deflects this proof, arguing that the sanction is appropriate for a bad practice even if he did not turn out violating *lifnei iver*. The latter brings a proof that Shimon's violation triggers *lifnei iver*, from the *gemara* (Avoda Zara 15a) that one who improperly got rid of non-kosher food in a manner a Jew may end up eating it needed to run to undo his action, implying that undoing it would prevent **Reuven's** *aveira* from taking effect.

Concerning punishment, no one claims that Reuven receives *beit din's* full punishment for Shimon's sin. However, some sources (such as Rashi, Bamidbar 30:16) refer to Reuven being morally liable for Shimon's specific sin. There is discussion of whether one can be *chayav malkot* for *lifnei iver* (see Metivta, Avoda Zara, Iyunim p. 5), but that does not depend on the specific sin. In fact, most assume (see S'dei Chemed V, p. 341) that one can violate Torah-level *lifnei iver* for facilitating a Rabbinic prohibition, implying that *lifnei iver* is independent of the specific *aveira*, which goes well with the Yad Malachi's approach.

It seems logical to me that an element of *lifnei iver* is violated at the act of facilitating, but that it is exacerbated when Shimon does the *aveira* and by its severity. This also fits well with many sources (further development is unfeasible here).

"Behind the Scenes" Zoom shiur

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Igrot HaRe'aya - Letters of Rav Kook

Deflecting Criticism – #291

Date and Place: 12 Nisan 5670 (1910), Yafo

Recipient and Background: Rav Alexander Freind. Rav Freind was a prominent rabbi, originally from Hungary, who moved to *Eretz Yisrael* in the 1880s. There was a similar exchange of letters between the two around a year earlier (#199).

Body: I am writing to you with tears and the blood of my heart. This is one of several times that I have received from you letters full of painful matters. However, I judge you in a meritorious way, as I am assuming that [concern for] the Torah makes you upset. On the other hand, it is possible for a Torah scholar, especially one who lives in *Eretz Yisrael*, to choose a more pleasant and proper writing style.

Believe me that I never thought of being one who fights with others, Heaven forbid, and it is always my way to go against my opinion because of the opinions of my friends. If I would have had an inkling that the matter of the sesame oil [for Pesach use] would be the basis for grudges and quarreling, I would not have gotten involved in it at all, even though my opinion is that the leniency is simple. However, since I and our rabbinical court (of Yafo) already issued the ruling, how can I turn myself into one who changes his mind, when in truth I have not changed my mind at all? I do not have time now to answer you on all of your specific halachic claims, and truthfully all of the points are superfluous on this simple matter. Even if I would have, Heaven forbid, made a mistake on the matter of a doubt regarding the *minhag* [of *kitniyof*], it would have been proper to be tolerant of me and to gloss over the matter with love. This is especially so since my rabbinical approbation was only for Yafo and the *moshavot*, and if people elsewhere use it, it is not my responsibility to protest the matter.

Regarding [selling fields to non-Jews before] *Shemitta*, I was not, after all, the first one who ruled leniently, and the path was already paved by the brilliant rabbis, Rav Yitzchak Elchanan of Kovna and the Sephardi rabbi, Rav Yaakov Shaul Elyashar. My father-in-law, “the Aderet,” agreed to it for the previous *Shemitta* year. Notably, if not for the rabbinical permission, people would have worked the land in violation of Halacha, and the matter would have caused major breaches in other matters of Judaism. This is because one who acts on his own to violate the Torah will sink into all sorts of bad things, Heaven forbid. In contrast, if they act based on a lenient ruling, even if it is a tenuous one, it does not cause breaches. I followed that which I believed in, and I think that it is proper for you and every Torah scholar to judge me meritoriously.

Regarding the milk, I did what I could. I called the owners of the milk and threatened them, and they agreed in writing and with a solemn obligation that they would be present when the milking took place. What else could I have done? Hashem knows that I desire to fix whatever I can in halachic matters, it is just that I do not have the power to do it. Also regarding *ketubot*, it is difficult for me to reverse old matters, which have already been entrenched in many holy cities. Still, I raise the matter at every opportunity that it is better to write *ketubot* by hand than to rely on printed *ketubot*, and whoever listens, listens.

This is what I found fit to write to you due to honor. I would firmly request that we show love one to another, and that you should send my regards to the rabbis of the rabbinical court, especially my friend, Rav Lipman David and inform them that my spirit is connected to theirs with love. May it be His will that these feelings will be reciprocated.

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

Itamar Chaim ben Tzipora

Nir Rephael ben Rachel Bracha
Ori Leah bat Chaya Temima

Arye Yitzchak ben Geula Miriam
Tal Shaul ben Yaffa

Neta bat Malka
Meira bat Esther

Together with all *cholei* Yisrael

Questions of Changing Work Orders

(based on ruling 79044 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The defendant (=def) hired the plaintiff (=pl) to build his home for 1,720,000 NIS. Throughout the project, def asked for many changes in the building plans, and def and his inspector (=ins) complained that many elements of the work were done improperly. Pl quit the job toward the end. While def paid almost the full contract price and pl admits that a little work was not completed, he is suing for 345,638 NIS, mainly for changes and additions to the plans. Def agrees to about half of the charges for changes. [*There are many small and technical disagreements; we will deal only with three of them.*]

Ruling: Cause and consequences of pl's quitting – Pl claims that the number of changes and lack of clear plans made it highly inefficient for pl to bring in subcontractors and workers. Def claims that the number of changes was appropriate for the project.

An employer cannot change the work ordered to more difficult work (Tosefta, Bava Metzia 7:3), both regarding a hired worker and a contractor. Multiple witnesses who were involved in the work testified that the changes and lack of detailed plans made the work much harder than usual. While def may make changes, it justifies pl receiving commensurate compensation. Since def refused to give what we consider fair payment, pl was justified in stopping to work and receive full payment for what he did, without deducting the extra expense of bringing others to finish.

The authority of ins: The contract states that ins will decide if and how much should be charged for changes to the work. However, *beit din* rules that pl should be able to appeal such decisions to *beit din*, who should overrule ins if and only if his decision is clearly unreasonable, based on market realities. This is in line with the Shulchan Aruch's ruling (Choshen Mishpat 227:25) that if a sales price was supposed to be decided by an appraiser and he was off from the standard price enough to be *ona'ah*, the laws of *ona'ah* impact the sale. The Aruch Hashuchan (ad loc. 26) explains that he did not mean to rely upon the appraiser if he was "off base." This can be assumed to be so here especially because ins was hired and paid for by def.

Damage to mechanism to lower and raise blinds: An electrical overload toward the end of the building damaged some systems that were attached at the time, and def demands to be compensated for it. Experts who testified said that the main problem was a defective circuit breaker, which is rare (app. 1/1,000) considering the brand used was reputable. The expert brought by def claimed that while most electricians do not check such things, it is proper to check that the circuit breaker is working before attaching appliances.

A contractor has the status of a paid watchman in regard to damages, who is exempt only for *oness* (extenuating circumstances) (Shulchan Aruch, CM 306:4). This case is not fully *oness*, as there was a way to check, but the important thing is that the problem is very rare and most professionals do not check for it. What is required of a paid worker is to act like professionals, which is why the electrician and pl are exempt.

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