



HEMDAT YAMIM

חֶמְדָּה יָמִימִים

Parashat Hashavua **Matot Masei, Av 1, 5785**

Harav Shaul Israeli zt"l
Founder and President

Enlistment in the Time of Yehoshua and David Harav Yosef Carmel

Some have attempted to prove that Torah scholars are exempt from obligatory war (*milchemet mitzva*) based on Sanhedrin 49a. However, this comes from a flawed interpretation.

That *gemara* passage discusses King Shlomo's trial of Yoav for killing two generals: Avner (Shaul's general) and Amasa (Avshalom's former general; later, David's).

Regarding Amasa's killing, Yoav argued that Amasa rebelled against King David by failing to mobilize troops, as David ordered. The crisis involved Sheva ben Bichri's rebellion, which continued Avshalom's challenge to David's authority. Sheva's supporters claimed that one could serve Hashem anywhere, not just in Jerusalem. This threatened David's life work and part of the Rambam's twelfth principles of faith – the Davidic monarchy.

When Yoav confronted Amasa in Givon, at the site of the high altar David wanted to make obsolete, Amasa was debating a *halacha* with soldiers – should a *Beit Hamikdash* be built, thus forbidding local altars. His opponents argued that because David's approach was incorrect, they were not obligated to fight the rebellion, as derived from Yehoshua (1:7) that one cannot be forced to enlist if called to do an *aveira*. However, Amasa's argument was rejected, and Yoav was acquitted for killing him. However, the matter had nothing to do with the soldier's Torah learning status.

After Moshe's sin at Mei Merivah, he requested Hashem to appoint a successor, and Yehoshua received full authority. He was both to conquer the Land and also to study Torah, day and night. Yehoshua internalized these words and announced an obligatory war of conquest. He reminded the two-and-a-half tribes of their commitment to join the fight. The people accepted his leadership, declaring his royal authority and that those who do not accept it are due to be put to death. The king has the authority to conscript soldiers, and certainly for a war of *mitzva* to conquer the Land, and all the more so to protect Jews under attack.

It is inconceivable that when modern-day Israel's enemies attack, murdering brutally, assaulting and harming everyone from infants to elderly, any group, however distinguished, should declare themselves exempt from military service due to Torah study. Would any of them stand by if a family member were being attacked, due to Torah study?

The very Torah they study explicitly states: "You shall not stand by your neighbor's blood" (Vayikra 19:16). How could anyone suggest that when the Jewish people face brutal attack, in situations of individual and national life-threatening danger, someone will push off his rescue effort until after finishing his studies?

The *gemara* provides no exemption for Torah scholars from army service. The exempting derivation from Yehoshua refers exclusively to situations where authorities command citizens to act against Halacha, such as violating commandments. For obligatory wars, all must serve.

Even in these turbulent times, we must maintain our unity and love every Jew. We must continue fighting our enemies and defeating them in every aspect, pray for comfort for all bereaved families (including our non-Jewish allies), and pray for the swift return of all hostages and the healing of all of the wounded.

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Ask the Rabbi

by Rav Daniel Mann

Cutting Off Threads

Question: On Shabbat, I noticed on my suit a thread that needed to be cut off, which tends to bother me. Was it permitted to cut it on Shabbat?

Answer: The first candidate for prohibition is the *melacha* of *koreiah* (tearing/cutting material). The *mishna* (Shabbat 73a) describes the case as being done to subsequently sew up, but the Rambam (Shabbat 10:10) indicates that it applies whenever the tearing has a positive outcome (see Be'ur Halacha to 340:14).

Because it is flimsy, it is possible that *koreiah* does not apply to the thread itself (see Rav SZ Auerbach, cited in Shemirat Shabbat K'hilchata (=SSK) 35:(48), regarding the fibers that rip when one pulls off a piece of cotton – admittedly, thread is stronger). Also, the thread has no independent significance and will never be used again.

On the other hand, one is severing part of the **garment**, which is thereby improved. Location and context can make a difference. If one cuts off strings at the edges, it may violate the *melacha* of *mechatech* (Be'ur Halacha to 340:13 in the name of the Yerushalmi – a less than authoritative source applies that prohibition to our case). SSK (15:66) forbids removing a string of warp or woof from a woven fabric as *potzeia* (the opposite of weaving). Orchot Shabbat (11:(26), and citing communication with Rav N. Karelitz) makes a distinction for leniency in our case. The string protruding from a garment is not considered a part of the fabric, and so cutting it, even close to the garment, relates only to the thread. This is different from the leftover stitching from a button that fell or pieces of wool that protrude from the fabric, where they are more significantly interconnected and many forbid removing them (see SSK 15:68; Orchot Shabbat 11:18). The case for leniency is bolstered by the opinion (Be'ur Halacha *ibid.*) that *koreiah* is when both sides of the rip are used afterwards, and **perhaps** it is not even Rabbinic *koreiah* when this is not so (Chut Shani, Shabbat I, p. 142).

Sometimes it is permitted to cut string around a utensil even when the cutting facilitates using the utensil (Shulchan Aruch, OC 314:8). However, that is a special leniency that applies to destroying an impediment that is preventing one to get to food (see Chazon Ish, OC 51:13). One cannot learn from there to cutting a string in order to beautify the thing to which it is attached.

Another potential problem is *makeh b'patish* (=mbp), a Torah-level prohibition of doing a final stage of preparing a utensil, or the related Rabbinic prohibition of *tikkun mana*. In other words, a suit with uncut threads from its sewing is a not fully ready-to-wear suit. The *gemara* (Shabbat 48a) forbids on the Torah-level opening the knots that are made to the collar area of a cloak, and Rashi (*ad loc.*) explains that this is *mbp*. The Shulchan Aruch (OC 302:2) forbids purposely removing the pills that formed on clothing as *mbp*. The more serious the imperfection, the more likely it is that it might be considered *mbp/tikkun mana*. Since in the garment industry, one of the final things that was classically done before sending the suit to market is “thread trimming,” it is quite plausible that the cutting would be *mbp*, especially regarding a new suit where the thread always stuck out. On the other hand, while *poskim* debate whether and when one may remove a label from a suit (SSK 15:79; Orchot Shabbat 11:13), they do not consider it *mbp*, even though it is something one always does before wearing it. There are differences with this case (see *ibid.* (20)), but applications of *mbp* are among halachic matters that are very difficult to predict.

To be honest, your case has happened to me many times, and I have always thought (I believe like most *shomrei Shabbat*), that it was forbidden to cut the hanging threads. To my surprise, the only serious discussion I found is in Orchot Shabbat (11:(26)), which is not a lenient *sefer*, and he believes it is permitted to cut them. I have read and heard “passing” opinions of respected *rabbanim* who forbid it. So, I do not plan to be lenient for myself, but I would not rule clearly that it is forbidden.

“Behind the Scenes” Zoom shiur

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Moreshet Shaul

(from the works of Hagaon Harav Shaul Yisraeli zt"l)

Rebirth Through Torah

Based on Siach Shaul, Pirkei Machshava V'Hadracha p. 18-19 – from 5700 (1940)

There are two scenarios in which a person is considered reborn. One is a convert, who Halacha treats as if his past is erased (see Yevamot 22a). The new person, the convert, becomes one with a future but no past – like a born baby.

The other case is one who learns Torah. *Chazal* determined: “One who teaches Torah to his friend’s son is as if he gave birth to him” (Sanhedrin 19b). If the teacher is like one who begot him, then the student must be like one who was born. Thus, the same concept as conversion, with the radical change from non-Jew to Jew, occurs when one goes from being unlearned to learned.

Two friends were educated and played together; then a change came. One stayed home, while the other went off to yeshiva. After a while, they meet back at home, and their conversation is no longer natural. The friend who learned Torah is somehow a new person, not who he was before.

There are 613 *mitzvot*, corresponding to 365 sinews and 248 limbs/organs. These are the soul and root from which the body receives its vitality. If a person performed a *mitzva* or refrained from a transgression, he gave life to a body part. If he failed to perform a *mitzva* or transgressed, he damaged a body part. This is because the spirit of life is connected to *mitzvot*. For a non-Jew, the pipes of his nourishment are fed by a lower wellspring. If he converted, he was infused with a new soul and wellspring, and pipes were opened, turning him into a new person.

However, the world is divided into levels. That which is considered the soul of the lower level is considered physical for the higher level. Just like a person’s body receives vitality from the soul of a *mitzva*, so too a *mitzva* needs to receive a soul from the higher level; that soul is the Torah. In fact, the *mitzva* lacks its liveliness without the Torah behind the *mitzva*. Also, just as a person is reborn through conversion, so is a Jew reborn through Torah study.

There are people who study Torah and there is the study of Torah. One who studies enough becomes a “study of Torah” and a “son of Torah.” This is not so for all other intellectual disciplines, in which the student and the discipline are disconnected and the person’s being is not affected by it. There, the person controls the wisdom, and the wisdom does not control him. Regarding one who masters Torah, the Torah takes him over and leaves its imprint on him, pours its spirit on him, and makes him a new person. A studied page of Talmud is not just new information; it is a “liquid” that intermingles with his blood and spreads throughout one’s body and being. He thinks differently and has different manners and attributes. If one cannot touch the difference or immediately see it, it is because of his lack of perception.

Sometimes even the Torah observant miss this point. If they lack appreciation of Torah, they view its study as just one more of the 613 *mitzvot*. For such people, the Torah and the *mitzva* to learn it lack the power to change one’s day and certainly one’s life. They think that Torah is only for those who study it professionally, whereas the rest can suffice with reciting *Kriat Shema* twice a day. They think that this suffices to teach their children, as the parents do not feel inspired by the prospect of more. More than a few even do not respect those who study intensely, thinking that they do it for their enjoyment and view them as not contributing to the world.

Before the poor shepherd Akiva was “born” into Rabbi Akiva, he was the symbol for the ignorant people of the world. He was ignorant but not evil or disrespectful of *mitzvot*. He was humble and good and just was missing a desire to embrace the study of Torah. But this was not so, for the *gemara* (Pesachim 49b) told of his hostility toward Torah scholars; it was ignorance as an approach.

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

Itamar Chaim ben Tzipora

Nir Rephael ben Rachel Bracha

Arye Yitzchak ben Geula Miriam

Tal Shaul ben Yaffa

Ori Leah bat Chaya Temima

Neta bat Malka

Meira bat Esther

Together with all *cholei* Yisrael

Dividing Returns on Partially Cancelled Trip – part I

(based on ruling 84070 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The plaintiff (=pl), who lives in the US, signed up with and paid \$4,140 to the defendant (=def), an Israeli company, for a trip to a third country (=dest), scheduled for Nov. 2023. The contract called for a 50% refund up to 21 days before the trip and no refund thereafter. After war broke out in Israel, def polled his clients to gauge the trip's viability, and pl did not initially respond; the trip took place with only six participants. Eventually, pl cancelled her participation because the war complicated her travel plans and made her feel it was not the right time for a trip, but it was within 21 days. Def told pl he would try to get some refund from service suppliers in dest, and was able to offer pl \$2,610. Pl tried to get her credit card company (=ccc) to cancel her payment to def, by arguing she did not receive the services. Def had requested she not do so, including because if ccc accepted her claim, it would hurt def's standing with ccc. When ccc rejected her claim, pl asked def for the \$2,610, but def rescinded his offer, arguing that she did not deserve his magnanimous gesture after she acted in a manner that could have damaged him.

Ruling: The first question is whether pl deserves a full refund because she did not get to go on the trip for understandable reasons. At first glance, since pl signed an agreement with refund conditions, she should be bound by them and receive no refund. However, we must consider whether that obligation is binding regarding the unexpected extenuating circumstance of war.

In general, if that which prevented the carrying out of an agreement came from both sides, the worker (here, def) does not receive pay, but if the employer could have avoided it (here, pl), she does pay. If a widespread problem prevented fulfillment from both sides, the Rama (Choshen Mishpat 321:1) rules that the promised payment is made. This seems to contradict the Rama's ruling that when neither are to blame the worker does not get paid (ibid. 334:1). The Aruch Hashulchan (CM 334:10) uses the following distinction to reconcile the sources. If the worker is ready to do the work, but situations make it unfeasible for the employer to benefit, the worker deserves pay, whereas if the worker is also not able to do the work, he does not. In this case, def provided the service for whoever wanted, and therefore would be able to keep the pay. Although some argue on the Aruch Hashulchan, def would be able to hold on to the money in a case of a doubt.

In any case, there are other reasons pl cannot demand a refund. The main one is that pl, who lived in America, was not prevented from taking the trip, which did go on. While we appreciate her reasons not to, this is not reason that def should lose on his investment of resources into the trip. He protected himself from such loss with the refund conditions and recommended to his clients to protect themselves with travel insurance. Therefore, def's efforts to obtain a partial refund for pl were beyond the letter of the law.

We continue next time with other elements of the ruling.

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