



Harav Shaul Israeli zt"l  
Founder and President

### “All Creation Will Know” – part IV

Harav Yosef Carmel

Last time we said that in this generation of the beginning of liberation, we should strengthen the movement of Noahides and encourage conversions for truly sincere candidates. We cited the Ritva who explained that there was a proper movement of conversion at the time of David. We will now bring proof that very prominent supporters of King David were converts.

The *navi* (Shmuel II, 15:18) lists the entourage of David's servants, who retreated with him from Yerushalayim during Avshalom's rebellion. This includes 600 Gitites who came "*b'raglo*" (lit., with his leg) from Gat. (Gat was a *Plishtiti* city, ruled by Achish). Who were these people, where did they come from, and what does *b'raglo* mean?

The Radak understood from Targum Yonatan that it means they "came along with him," i.e., with Itai, David's Gitite officer. We humbly point out that the *pasuk* implies they came with David, in which case this was decades earlier, when David broke his apparent partnership with Achish and began his kingdom in Chevron. Yonatan does not express an opinion as to whether these Gitites were Jews who lived in Gat or non-Jews from there, and if the latter, whether they converted after David impressed them. The *gemara* (Avoda Zara 44a) cites an opinion that even Itai was not Jewish during at least part of his time serving David (which enabled him to remove the status of idolatry from objects). The Radak, after mentioning this opinion, posited that Itai and the others were Jews who lived in Gat but came to support David against Avshalom. According to him, *b'raglo* means "because of" David (see Bereishit 30:30).

It is difficult to say they came from Gat at this time, as the fleeing from Yerushalayim was hastily organized and Gat was a 2–3-day journey. Therefore, we prefer to explain that they came from Gat well before, as either converts or *geirei toshav*, a status of partial joining of Bnei Yisrael but not full converts. David suggested to Itai that it was not personally worthwhile for him to join David, but Itai followed the national interest and joined him (Shmuel II, 15:19). He was later appointed a major army commander (ibid. 18:2), thereby joining other prominent converts in such positions (see ibid. 11:3 and 23:39).

In our days, a great many people from the FSU have difficulty proving Jewish identity. Eretz Hemdah has been at the forefront of efforts to use MtDNA to bolster the claim of many born Jews who have difficulty proving it, as MtDNA connects people to genetic chains via mothers in a way that make their Jewishness very likely (Bemareh Habazak IX:30 contains a responsum signed by Rav Z.N. Goldberg). This reliable halachic tool shines a light of "ways of pleasantness."

Many *olim* came under the Law of Return but are not Jewish (many have Jewish origins); they can only become Jewish through a full halachic conversion. However, it is important to impress upon these multitudes, who are living in our midst and marry within "the fold", that Torah values and lifestyle are well worth their efforts to embrace. The belief in Hashem, which people with a Torah background have imparted upon so many brothers in arms, has connected many Jews and non-Jewish Israelis to national unity and a connection with Hashem. We should take the special opportunity to draw people even closer to the nation, and for those in need, encourage conversion. These efforts are predicated on the critical need to avoid things that create division and hatred.

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



# Ask the Rabbi

by Rav Daniel Mann

## Must One Give his Apartment for Free?

**Question:** A friend of mine splits his time between apartments he owns in two cities. He says that he does not charge rent to anyone who stays in the apartment he is not using because Pirkei Avot (5:10) says that one who subscribes to *sheli sheli* (mine is mine) employs *middat* (attribute of) *S'dom*. Is there a counterargument to allow charging rent?

**Answer:** We believe the counterargument is correct.

Pirkei Avot actually cites two opinions, and the main one is that if one realizes that “yours is yours,” even if he treats “his as his,” employs an “average approach.” Furthermore, the *mishna* does not discuss specific actions but an approach to life. If someone is often forthcoming with his property, he is not following “*sheli sheli*” even if he asks money to use some of his things. It is wonderful for your friend to emulate *Avraham Avinu* and be consistently generous, but failing to reach that level does not put one in the **opposite** camp.

Is one required to allow to borrow his property (for free)? In five contexts in *Shas*, at least one opinion prescribes forcing Reuven to cede to Shimon a financial right in a way that does not hurt Reuven and thereby avoid *middat S'dom*. None of those cases refers to lending one's property to someone else.

Consider the possibility that one is always required to let people use his things for free. Are the halachic discussions of rentals only for sinners? Realize that this would cancel large elements of healthy markets. What incentive would one who can afford more property than he needs have to buy and rent out property to one who can only afford a rental?

Undoubtedly, then, one who wants to be a landlord may buy property in order to rent it out. It is also obvious that if he bought it for secondary usage without a plan to rent but then decides that he wants rental income, he can turn it into rental property. The question is only if he does not plan to use it on any regular basis for rental, and the opportunity arises to allow someone to use it on a one-time basis. Here, there is logic to say that if he is not looking to use it for profit, why not be altruistic and give it for free?

The argument for no pay is bolstered by the *sugya* of *zeh neheneh v'zeh lo chaser* (Bava Kama 20a – 21a), regarding whether when Shimon already lived in Reuven's property without permission, he must pay for that usage. The two pertinent variables are whether Shimon was otherwise slated to rent living quarters, in which case he benefited from Reuven, and whether Reuven is in the practice of renting out his property, so that he loses if Shimon lived there for free. We rule that if Reuven did not lose, Shimon is exempt even if he benefitted (Shulchan Aruch, Choshen Mishpat 363:6).

Does the fact that Shimon does not have to pay, because Reuven did not lose, mean that Reuven must permit free usage if asked for permission in the first place? Tosafot (ibid. 20b) says that the person has a right to refuse use of his property; it is not considered *middat S'dom* (see Noda B'yehuda II, CM 24). The Rama (CM 363:6) rules that as long as one **can** rent it out if he wants to, he may charge for it. In contrast, if the possibility of rental does not exist, he cannot demand pay, as it would be considered *middat S'dom*.

Note also that the possibility of forcing sharing due to *middat S'dom* could exist only when lending causes no loss of any sort (see Pitchei Choshen, Geneva 8:(1)). Regarding use of one's apartment, there could be many factors of “loss.” We will mention a few out of many possibilities: concern that Shimon's kids might damage it; Reuven may be inconvenienced making sure the place is tidy for Shimon; Reuven's privacy could be compromised. If Reuven can refuse, he can also say that he is willing, but only if payment makes the danger/trouble worth his while.

While we covered only a small fraction of possible scenarios, it would be rare that someone with an extra apartment would be required to allow others to use it, or if he allowed it, forbidden to take money for the usage.

### “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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# Moreshet Shaul

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

## A Crown and its Scepter – part III

Based on Siach Shaul, Pirkei Machshava V'Hadracha p. 294-5

*We conclude the draft of Rav Yisraeli's speech for his installation as rabbi of Kfar Haro'eh (Chanuka 5698, 1938).*

You have placed upon me the lofty position of rabbi in your *moshav*. You have placed on my head the crown of the rabbinate and the stewardship of a community of members of the holy nation. I know that the crown was not placed on my head to glorify me. Indeed, I am not worthy of it, and I do not plan to resort to behavior of dominion. Intensive work awaits me, the work of bringing together the people's individual strengths in the *moshav* and focusing them on the goal that unites us. The authorization that each of you gave me was in order that you should receive in return, in the form of helping the individual and the community progress.

The Rabbis expounded (see Rashi to Sanhedrin 21b) that the crown of King David had a special form that tested whether an aspirant for the crown could be accepted. There was a scepter extending on its inside from one side to the other, so that the candidate for king had to have an indentation in the correct spot on his head so that the crown of greatness and dominion over the nation would fit. This required special criteria to shoulder the great responsibilities and various difficulties. He required specific awareness and sacrifice in order not to be discouraged, not by those who try to "pull him to the right" or by those who want to "pull him to the left." The indentation in the head is that which makes the candidate fit for the crown to fit.

David was a king who "dirtied his hands" with the small details needed to make Jewish homes fully functional (see Berachot 4a). He was a king about whom the Rabbis expounded that Hashem declared that He cherishes the justice and charity that David did more than the sacrifices he brought. His kingdom was less dominion than it was dedicated work on behalf of the nation. (Rav Kook wrote beautifully along the lines of this idea in connection with Melachim I, 1:33.)

Dominion that is used just on behalf of the nation is not always simple to accomplish. It often brings on bitter disappointments and frustration. Not always does that which was planned come to fruition, which causes great pain when one recognizes the great responsibility that is upon his shoulders. This pain and disappointment are the metaphorical scepter in the crown, which does not allow respite for the one who wears it. Rather, it always causes great pain, unless there were great preparations – good will with true love – as love atones for all sins. This is the indentation in the head, which lines up with the protrusion in the crown. That is what makes one fit to wear the crown in a proper manner.

From the time the crown of Jewish monarchy was removed, we have only the crown of Torah, which is what you have decided to crown me with today. This crown also has a scepter in it, and it takes a tremendous amount of toil to make it fit. I have sat at the feet of the saintly Rav (Rav A.Y. Kook), *z.t.l.*, from whom I learned the "paths of life." I learned the means of acquiring Torah from my master, the great Rav Yaakov Moshe Charlop, *shlita*. I have tried, to the extent possible, to prepare and develop the "indentation in the head." This is my prayer: "It should be Your will that the indentation should be aligned opposite the scepter in the crown, so that it fit. Shoulder to shoulder shall we rise up and progress toward the lofty dream of a full national liberation, as the Rabbis said (Devarim Rabba 5:7): 'When you do charity and justice, I will liberate you a full liberation,'" amen.

*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  
Neta bat Malka**

**Tal Shaul ben Yaffa  
Meira bat Esther**

*Together with all cholei Yisrael*

# P'ninat Mishpat

## Damage from Renovations

(based on ruling 82093 of the Eretz Hemdah-Gazit Rabbinical Courts)

**Case:** The defendant (=def) had renovations done, including digging out a basement and removing a wall from his apartment, after which, serious cracks developed in the apartments above. At that time, the plaintiff (=pl) bought one of those apartments. One engineer concluded that it was dangerous to live in the building, and two engineers disagreed. The residents came to an agreement as to what def had to do to return the situation to normal, but pl does not accept that agreement. He refrained from moving in and thus paid 5,000 NIS a month in rent elsewhere, for which he demands reimbursement, as well as for damages to the foundations and for use of joint property. Def says that at this point, it is unreasonable for pl to reject all the experts and claim there is still danger.

**Compromise and Ruling:** *Beit din* succeeded in getting the sides to agree to a compromise on the following matters. For the time pl did not enter the building and for any damages up to this point, def will pay him 1,000 NIS. Def will follow the instructions of a newly appointed expert. The only claims pl will have will be for damages that will arise from this point on. Regarding the nature of a compromise regarding any future discovery of damage, it should be payable only if pl will be able to convince *beit din* that Halacha obligates def to pay for it. Regarding use of joint space, the language of the agreement should be: "Def accepts upon himself to follow Halacha and not take control of joint property improperly, without explicit permission of the other residents."

As far as the present safety of the building, *beit din* posits that we are to follow the opinions of the three experts, a clear majority, who attest that there is presently no problem (based on Shach, Choshen Mishpat 46:66). Even if we were to accept pl's claim that the first expert has an interest in the matter, pl's claim that he has heard negative rumors about the second expert cannot be accepted without any verification. That which pl claims that the main expert cannot be believed because he is trusting the contractor, is not valid, as part of an expert's ability is to know what information he can trust and what he cannot.

Even if pl were right that the building is still damaged, it is very unclear that he could charge def for it, as def had the work done according to the professional directive of the first engineer. It is a major question whether a homeowner is required to pay for the damage his worker does. At first glance, the one who does the damage has to pay (Bava Kama 98b), although the *minhag* is to make the contractor, who usually has the resources to pay, do so (Chukei Hatorah, Avoda 26). Others say that the one who hired the contractor has to pay, because he is given permission to build only if he accepts such responsibility (Shut Minchat Asher I:113), but that if one can hold the person who made the mistake responsible, that is what is done.

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