



# HEMDAT YAMIM

חַנּוּכָה יָמִימִים

## Parashat Hashavua Vayeira, Cheshvan 17 5786

Harav Shaul Israeli zt"l  
Founder and President

**“See” and “Be Seen”**  
Harav Yosef Carmel

We discussed last week that the great *“Lech lecha”* sojourn, which began to the Land, would continue, in this week’s *parasha*, with a sojourn to the assigned mountain. Avraham was told to go the land “that I will show you (*areka*),” and, at *Akeidat Yitzchak*, we see that Avraham understood the importance of this root of *ra’oh*. “Avraham called the name of that place ‘Hashem will see’ (*yireh*) about which today it will be said ‘On the mountain of Hashem, it will be seen’ (*yeira’eh*)” (Bereishit 22:14).

What did Avraham mean with this naming and characterization of the place? It is instructive to see the Torah’s related uses of *yireh* and *yeira’eh*. When Avraham asked Hashem where the sacrifice would come from, He answered: “G-d will see (*yireh*) for him a sheep for a burnt offering” (ibid. 7-8). When the Torah commands to go up to the Temple, it says: “Three times a year all of your males shall be seen (*yeira’eh*) before the face of the Master, Hashem” (Shemot 23:17). This command to be seen in the Temple appears two other times in the Torah (ibid. 34:23; Devarim 16:16); there is a deep meaning to the fact that a phrase comes up three times in the Torah.

Avraham gives expression to the major change from Hashem seeing, to it being seen on the mountain of Hashem. Mt. Moriah, called the “place that Hashem will choose,” is the place where the descendants of Avraham (who bound), Yitzchak (who was bound), and the grandchild Yaakov, need to be seen – this is the “being seen” on Hashem’s mountain.

The Nation of Israel have a meeting of sight, if you will, in the Holy of Holies of the *Beit Hamikdash*, which is built on the mountain of Hashem (see Yeshayahu 2:2). There, it becomes clear that there is special love, which is expressed so beautifully in our *parasha*, “For I have known [Avraham], as he commands his sons and his household after him, and they do charity and justice so that Hashem will bring to Avraham that which He spoke” (Bereishit 18:19). The word “know” represents the most intimately close connection, and this *pasuk* follows one which says that Avraham will turn into a great nation and the nations of the world will be blessed through him. Hashem first promised Avraham that his progeny would form a great nation together with the first command of *“Lech lecha”* (ibid. 12:2).

The transition is clear. On the way to the *akeida*, it appeared that the sacrifice was the main thing, which is why Avraham asked about the sheep, and Hashem answered with *yireh*. However, once the angel prevented offering Yitzchak, it turned out that the important thing was *yeira’eh*, in other words to draw close to Hashem. Mt. Moriah was the place where Hashem would show the world His closeness with *Am Yisrael*, who follow the path of charity and justice.

The world will learn that Israel, small quantitatively, improves the world qualitatively. The waves of anti-Semitism will turn into waves of love and admiration. The nations will realize that Hashem’s blessing will come to them only through their connection to Avraham’s chosen progeny (ibid. 12:3, and strengthened ibid. 22:17-18). Enemies who will not succeed to accept this, will fall under the category of “those who curse you, I will curse” (ibid.12:3) and disappear from the world.

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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

## Rubbing Cream on Someone who Accepted Shabbat

**Question:** After my wife lit candles, she realized that she had not applied (non-medicated) cream to an area of dry skin on her face. She asked me to do it for her (I had not yet accepted Shabbat). Was it permitted for me to do so?

**Answer:** Although your description seems to indicate no problem of *refu'ah* (medical actions) on Shabbat, your wife was correct that smearing a cream onto one's skin is forbidden on Shabbat. This is clear when one wants a film of cream to be **on** the skin for a while, but is likely true even if will be absorbed relatively quickly (see Shemirat Shabbat K'hilchata 33:13). It is possible to dab small lumps of cream and let them spread out by themselves. However, we will address your excellent question regarding normal application.

You may be aware that even after accepting upon herself the *halachot* of Shabbat, a wife may ask her husband who did not yet do so to do *melacha* for her. The *gemara* (Shabbat 151a) allows Reuven to tell Shimon who is in the *techum Shabbat* of Reuven's produce to look after it, even though Reuven is out of the *techum* himself. The Rashba (ad loc.) derives from this that one who has accepted Shabbat can tell a Jew who did not yet do so to do *melacha* on his behalf. The Ran (Shabbat 64b of the Rif's pages) says that one may not generalize based on the *gemara* regarding *techum*, where there is a special way to get to the distant place (*burgenin*), but elsewhere one may not ask someone to do something that he may not. The Beit Yosef (Orach Chayim 263) counters by stressing that the one who accepted Shabbat could have not accepted Shabbat early. The Shulchan Aruch and Rama (OC 263:17) accept the Rashba's leniency, including physically benefiting on Shabbat from that which was produced on his behalf.

Your question, then, is whether the leniency of letting Reuven, who did not accept Shabbat, do *melacha* for Sarah, who accepted it, applies even if Sarah will be directly involved in the *melacha* (e.g., have the cream applied to her skin). I did not find a source on this case, but sources on parallel matters should suffice, as the question is general: is direct involvement but, primarily, as an object (i.e., another person does the *melacha to him*) make one considered a partner in the action (which in your case, would be *chillul Shabbat* for your wife).

One equivalent matter is when a non-Jew is allowed to do a *melacha* to heal a sick Jew, where a Jew, including the sick person, may not do that same thing (Shulchan Aruch, OC 328:17). The Rama (ad loc.) says that in such cases, one "may assist [the non-Jew] a little, for assistance is not [halachically] significant." This follows the rule found in various *gemarot* that "assisting is not significant" (see Beitza 22a; Shabbat 93a). Admittedly, some point to a *gemara* (Makot 20b) that seems to indicate the opposite – one who lets someone cut his hair in a forbidden manner is punished like the one who cut it. The Taz (OC 228:1) reconciles the sources by distinguishing between cases where the person having the violation done to him needs to do something to enable the one acting to do the violation. The Taz thereby rejects the Rama's (OC 228:3) permission to have a non-Jew pull a Jew's tooth when necessary, because the Jew has to open his mouth. However, most *poskim* agree with the Rama, not the Taz (see Mishna Berura 328:11, 61). (Many say that forbidden haircuts is more stringent in this regard than *melacha* on Shabbat – see Nekudot Hakesef (the Shach) to Taz, Yoreh Deah 198:21).

Another question about whether one having *melacha* done to him is considered a halachic "collaborator" is when a woman who did not cut her nails needs to go to the *mikveh* on Shabbat. Most *poskim* allow a non-Jew to cut them (see Nekudot Hakesef *ibid.*; the Taz is again stringent); Be'ur Halacha 340:1; Yalkut Yosef, OC 340, Gozez 11).

The standard *p'sak* is thus that your wife could even maneuver herself to help you apply the cream. However, it was probably simple enough to apply it without her needing to do anything, in which case, even the Taz would permit it.

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# Moreshet Shaul

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

## Members of the Nation Who Are in The Fields

Based on Siach Shaul, Pirkei Machshava V'Hadracha p. 95 (from 1942)

The *gemara* (Shabbat 33a) says that “*emunat*” (belief in) in Yeshayahu 33:6 refers to the Order of Zera'im (agricultural Halacha). That is because one who believes, sows, whereas one who does not believe, harvests [all the grain rather than using some for replanting]. (This is counter to the idea of preferring less of something definite (see Ketubot 83b)). It requires great patience and belief to overcome the concern about what will come from the investment.

It was with belief that the “kernel” that became the yeshiva (apparently, Yeshivat Kfar Haroeh) was sown – belief with naivete, without cold calculations, belief that also gave confidence, bravery, and stubbornness.

It was also with belief that the kernel of communal life (ed. note – it is written “*kibbutzi*,” which can refer to a *kibbutz* or the socialistic elements of a *moshav*, like Kfar Haroeh) was established. It was done with naivete, simplicity, straightforwardness, and stubbornness. An individual's path did not have to pass the test of communal life. Indeed, some preferred to cash in the small amounts of “grain” that were collected in the yeshiva – for flour, a loaf of bread, and a nice meal. When belief is lacking, some pick the flowers off trees to show off without considering that when left, the flower becomes a fruit.

Everything related to the Order of Zera'im is connected to belief. It is not just to plant the seed, but to guard it, develop it, have it grow, and water it. Sometimes, one is tired and impatient from the toil of building and sowing. He has “worked his hands off,” and the fruit are not yet visible. Only with belief can one continue and even work consistently.

Hashem looked in the Torah in order to create the world (Zohar of *Parashat Teruma*). The laws of the Torah are the foundations of the natural world. If we knew how to do it, we could see the laws of the Torah in nature. Although we cannot do this, we can solve mysteries of the world using the Torah scroll Hashem gave us.

Date palms “speak,” but who can hear them? Fortunate is one who learned to capture the silent notes described in Psalms as “the heavens speak Hashem's honor” (Tehillim 19:2). We learn it from the Torah, the Prophets, and those who sang psalms to Hashem. Through their words we feel a connection to Hashem; we get excited by their spiritual excitement. This book deciphers the hidden language and transfers it to a language humans can understand.

Avraham saw divinity by looking at the world Hashem created. Yitzchak knew how to turn a stroll into a prayer (see Bereishit 24:63). That which *Am Yisrael* learned through great miracles and deafening sounds, Avraham learned from gazing at the world. When Yitzchak saw Eisav's ability to earn a living, he hoped to see a resemblance to himself, but he did not, because while Yitzchak spent time in the field (see *ibid.*), Eisav was a “man of the field” (*ibid.* 25:27).

We should distinguish between “people of the field” (i.e., ignorant) and people **who are in** the fields.” The former is defined by the field, whereas for the latter, the field is just an instrument to reach a goal. Just like our forefather Yaakov was not a “man of the field” like his brother, so too the nation as a whole was never a nation of the field. Rather it is a nation with individuals in the fields. The Torah calls Noach a “man of the soil” (*ibid.* 9:20), after calling him a “righteous man” (*ibid.* 6:9). This is a decline in level (see Bereishit Rabba 22:3).

One who is walking and learning, and stops his learning to comment, “What a lovely tree” is harshly criticized (Avot 3:7). Praiseworthy is one who can say “What a lovely tree” without it being a break from his learning but an expression/continuation of his study.

The Torah's purpose is to make a bridge between man and Hashem through nature. In some ways, Israel is a nation like all the nations and a land like all the lands, but at the same time, a nation different from the nations and a Land different from other lands.

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

# P'ninat Mishpat

## A Seller with Questionable Rights to the Property – part II

(based on ruling 84062 of the Eretz Hemdah-Gazit Rabbinical Courts)

**Case:** Multiple plaintiffs (=pl), each paying different amounts, bought land from a company (=def1), owned by def2, dealing with land sold by Arabs, in the periphery of a *yishuv*. Years went by without the deal being completed, so pl demanded their payment back according to par 5.6 of their contract. Although a different document states that pl cannot get their money back, it was never signed, and the signed contract says that it supersedes other agreements. Pl claim that def violated their agreement by not advancing it over years. More fundamentally, the sale should be void because pl were misinformed, as def has not provided any proof they own the property they purported to sell. [*Last time we saw that pl had grounds to nullify the sale because of misrepresentation.*] However, def argues that in the contract, pl admits that he checked all of the relevant facts and waived any complaints. The sides also argued whether def2, who did not sign the arbitration agreement, can be sued personally.

**Ruling:** The Maggid Mishneh (Mechira 15:3) says that if a buyer could have checked and uncovered the blemish in the purchase item and did not do so, he no longer can nullify the sale because of it. Many agree and many disagree with this opinion (see S'ma 232:10; Shut Maharashdam 385). Also, some limit the Maggid Mishneh to cases where the check can be done easily and without charge. Others say that it does not apply when the seller explicitly assured the buyer that the flaw did not exist. Both of these limitations enable pl to claim an erroneous agreement.

On the other hand, the contract says that pl checked all of the pertinent information and found everything to their liking. Although pl claim that since they signed a standard agreement, dictated by def, they should not be bound by it. It is a complicated matter whether we could accept such a claim against what pl signed. But in this case, it is not necessary because the admission of checking everything is stated to apply to everything except what is found in the contract. Since def1's ownership of the property is a provision of the contract, def1 indeed misled pl, and pl did not admit that they were aware.

In order for pl to collect from def2, owner of def1, there are two hurdles to overcome: 1. the idea that obligations of a corporate entity are paid only from the assets of the entity, not of its owners; 2. the fact that def2 did not agree to sign the arbitration agreement. Regarding #1, the halachic justification for the "corporate veil" is the agreement of the person doing business with it. However, here where the agreement was nullified based on fraud, the corporate veil should not apply. There are reasons according to Israeli law to lift the veil in this case (ed. note – beyond our scope).

Regarding #2, def2 can be obligated as well. Since he is the sole owner of def1 and he was interested in pursuing litigation in this *beit din* and took part in all of its proceedings, it is incorrect to say that he is not part bound by the litigation. Therefore, if def1 will not have the funds to pay pl, def2 will be liable to pay.

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