



# HEMDAT YAMIM

המדת ימים

## Parashat Hashavua Vayetzei, Kislev 9, 5786

Harav Shaul Israeli zt"l  
Founder and President

### Divinely Ordained Sibling Deceit

Harav Yosef Carmel

When Ya'akov introduced himself to his cousin Rachel, he referred to himself as "her father's brother and the son of Rivka" (Bereishit 29:12). A *midrash* (Bereishit Rabba 70:13) explains the dichotomy: If Lavan is deceitful, I can "play his game," and if he is honest, I will act like my righteous mother.

While this may be what Ya'akov meant, it is possible that this connection between Lavan's deceitfulness and Rivka has an additional meaning, even if Ya'akov was unaware of it. Let us start with a reminder that a great nation and its leaders do not always come about easily or in standard ways (consider Moshe and David).

Hashem considered it crucial for the nation emerging from Ya'akov that Ya'akov receive Yitzchak's special blessing, and so He arranged for Ya'akov's prophetess mother to help him get it even with subterfuge. Hashem also knew that our nation must be built from two righteous matriarchs who would marry Ya'akov, Leah and Rachel (see Rut 4:11). There was just one major problem – they were sisters, and the Torah forbids marrying two sisters during their lifetimes (Vayikra 18:18). There are many explanations as to how Ya'akov was permitted to do this. The main idea is that since it was before the giving of the full Torah (as opposed to the Noahide commandments), where it was forbidden, the forefathers had more latitude (see Da'at Z'keinim, Bereishit 37:35). Even so, it appears clear that irrespective of his feelings for Leah, Ya'akov would not have agreed to marry Leah along with her sister Rachel if the circumstances had not forced it upon him. It turns out that Lavan's trickery was the catalyst for the proper formation of Bnei Yisrael, albeit without Lavan's pre-knowledge or best intentions, like those of his righteous sister Rivka.

Perhaps this was part of Rivka's prophecy. Yitzchak, in giving instructions to Ya'akov at Rivka's urging, right after the turmoil-filled events with the *berachot* (see Bereishit 27:46), said: "... take for yourself there a wife from the daughters of Lavan, the brother of your mother" (ibid. 28:2). In other words, while Avraham suspected that his daughter-in-law/matriarch would be from his brother's broader family, Yitzchak/Rivka seem to have known that: theirs would be a daughter of Lavan, specifically, that Lavan had multiple daughters, and that they "saw" (likely, prophetically) either of them as a worthy candidate. What Hashem may have left out (or did not want them to tell Ya'akov) is that it was not **either** of them, but **both** of them. In order to turn that into a reality, Divine Providence turned to Lavan to be the perfect *shadchan* for this impossible match – take the righteous Ya'akov, who would not agree to marry two sisters, even before the Torah was given, and trick him to marry Leah first, so that he would have to be married to both.

Let us return to the *pasuk* connecting Ya'akov to Rivka and Lavan. While Ya'akov meant to present a stark contrast between Lavan and Rivka, Hashem planned Providence's use of similar approaches by both. Hashem guided Rivka to use deceit to obtain the coveted blessings for Ya'akov and send him to her brother, whom Hashem allowed/enabled to arrange the most impossible yet perfect match for Ya'akov – Leah, followed by Rachel. What teamwork between vastly different siblings!

#### Hemdat Yamim is dedicated to the memory of Eretz Hemdah's beloved friends and Members of Eretz Hemdah's Amutah:

Rav <b>Shlomo Merzel</b> z"l Iyar 10, 5771	Rav <b>Yisrael Rozen</b> z"l Cheshvan 13, 5778	Mr. <b>Moshe Wasserzug</b> z"l Tishrei 20, 5781	Rav <b>Reuven &amp; Chaya Leah</b> <b>Aberman</b> z"l Tishrei 9, 5776 / Tishrei 20, 5782	Prof. <b>Yisrael &amp; Shlomit</b> <b>Aharoni</b> z"l Kislev 14, 5773 / Cheshvan 9, 5786
R' <b>Yaakov</b> ben Abraham & Aisha and <b>Chana</b> bat Yaish & Simcha <b>Sebbag</b> z"l	<b>R' Yitzchak Zev &amp; Naomi</b> <b>Tarshansky</b> z"l Adar 28, 5781/ Adar II 14, 5784	<b>Mr. Shmuel &amp; Rivka</b> <b>Brandman</b> z"l Tevet 16 5783/ Iyar 8, 5781	R' <b>Meir</b> ben Yechezkel Shraga <b>Brachfeld</b> z"l & Mrs. <b>Sara Brachfeld</b> z"l Tevet 16, 5780	
Rabbi Dr. <b>Jerry Hochbaum</b> z"l Adar II 17, 5782	Rav <b>Asher &amp; Susan Wasserteil</b> z"l Kislev 9 / Elul 16, 5780	<b>R' Abraham &amp; Gitta Klein</b> z"l Iyar 18 / Av 4	<b>R' Benzion Grossman</b> z"l Tamuz 23, 5777	
R' <b>Eliyahu Carmel</b> z"l Rav Carmel's father Iyar 8, 5776	<b>Mr. Shmuel</b> & <b>Esther Shemesh</b> z"l Sivan 17 / Av 20	<b>Mrs. Leah Meyer</b> z"l Nisan 27, 5782	<b>Mrs. Julia Koschitzky</b> z"l Adar II 18, 5782	Rav <b>Moshe Zvi (Milton) Polin</b> z"l Tammuz 19, 5778
<b>Mr. Zelig &amp; Mrs. Sara Wengrowsky</b> z"l Tevet 25 5782 / Tamuz 10 5774	<b>Harav Moshe Ehrenreich</b> zt"l Nissan 1, 5785	<b>Nina Moinester, z"l, Nechama Osna bat Yitzhak</b> <b>Aharon &amp; Doba</b> z"l Av 30, 5781		
Mr. Yitzhak Aharon & Mrs. Doba Moinester z"l Elul 5, 5782 / Elul 23, 5774		Hemdat Yamim is endowed by Les z"l & Ethel Sutker of Chicago, Illinois, in loving memory of Max and Mary Sutker & Louis and Lillian Klein z"l		

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



**Eretz Hemdah**  
Deans: Harav Yosef Carmel, Harav Moshe Ehrenreich  
2 Bruria St. corner of Rav Chiya St.  
POB 8178 Jerusalem 91080  
Tel: 972-2-5371485 Fax: 972-2-5379626.  
amutah number 580120780

**American Friends**  
of **Eretz Hemdah Institutions**  
c/o Olympian, 8 South Michigan Ave.,  
Ste. 605, Chicago, IL 60603, USA  
Our Taxpayer ID #: 36-4265359

[www.erezhemdah.org](http://www.erezhemdah.org) [info@erezhemdah.org](mailto:info@erezhemdah.org)  
Donations are tax deductible according to section 46 of the Israeli tax code

# Ask the Rabbi

by Rav Daniel Mann

## Forgot to Remove Tefillin Before Musaf of Rosh Chodesh

**Question:** Davening Shacharit at home on Rosh Chodesh, I realized during the first *beracha* of *Musaf* that I forgot to remove my *tefillin* and took them off before the next *beracha*. Was that correct?

**Answer:** We have to investigate two independent topics, and then be practical about preferences in navigating the “conflict.”

**Removing tefillin before Musaf:** The idea of taking off *tefillin* before *Musaf* appears in the Beit Yosef (Orach Chayim 25) as a *minhag*. He does not cite a source, and in looking for a reason, proposes that since *Kedusha* of *Musaf* is introduced (for Sephardim and Nusach Sephard) with a reference to Hashem’s *keter* (crown), it is inappropriate that we should be wearing our “crown” – *tefillin*. He cites *Chol Hamo’ed*’s lack of *tefillin* as a similar idea. The Rama (ad loc.) says that although it follows that in places that do not recite “*Keter ...*” in *Kedusha*, one should leave his *tefillin* on, the *minhag* is still to take them off. The same should apply to one who is davening without a *minyana* and thus *Kedusha*. The Taz (ad loc. 16) does not find the *minhag* compelling because *Musaf* should not elevate more than *Chol Hamo’ed*, and still many have the *minhag* to don *tefillin* then. The Levush (ad loc. 13) says that it is because *Musaf*, which mentions the day’s special *korbanot*, gives it an aura of *Yom Tov*. (I will add a supplementary point. Since we are careful to have *tefillin* on only for *Kri’at Shema*, *Shemoneh Esrei* (=SE), three *Kedushot* and four *Kaddeishim* (see Rama ibid.), by *Musaf*, there is little need to keep them on (see Mishna Berura 25:55).). Most *poskim* treat removing *tefillin* before *Musaf* as a not very important *minhag* (ibid. 61), despite strong Kabbalistic sources (see Kaf Hachayim, OC 25:94) that elevate its importance.

**Hefsek (interruption) in tefilla:** While *hefsek* in SE is severe (Berachot 33a), there are different levels of *hefsek*. The most severe is to speak, whereas walking to a different place is more lenient and permitted for significant but modest need (Mishna Berura 104:10). While performing actions can be even more lenient, it depends how involved the action is. It seems clear that certain actions are too trivial to require special permission (e.g., wiping off some sweat). The Shulchan Aruch (OC 97:4) allows adjusting one’s *tallit* but not returning it if it fell (unless the situation harms his concentration – Mishna Berura, ad loc. 16; see also Mishna Berura 96:7 regarding picking up a *siddur* that fell to the floor). Taking off *tefillin* thus seems to require real need.

There is a *machloket* among *poskim* if one can do actions to enhance *tefilla* that if not done, will not cause a critical lacking in it (see *Ishei Yisrael* 32:21 regarding going to get a *siddur* to help with *Al Hanisim*; SE is valid without it). One could then say that if *tefillin* on during *Musaf* has some sort of negative impact on SE, then it should be appropriate to remove them within it, to fix the rest of SE. If it is just a mild preference to take them off and especially if the issue relates more to the *tefillin* than to the *tefilla*, then it is no worse than the *siddur* on the floor, and one should remove it only after SE. While one can bring arguments one way or the other, the Mishna Berura (25:61) states clearly that since removing the *tefillin* is just a *minhag*, one who forgot does not remove them during SE.

After the fact, do not be too concerned that you removed them. Simple, well-intentioned *hefsek* does not disqualify SE (Shulchan Aruch, OC 104:6; see Mishna Berura ad loc. 25). Furthermore, it is possible that in your lack of certainty, you were considered one whose concentration is affected (see Mishna Berura 96:7, *Ishei Yisrael* 32:5; see *Piskei Teshuvot* 25:28 regarding this case). A compromise semi-removal, which some *Acharonim* advocate in borderline cases (see Kaf Hachayim, OC 25:99) would have been even easier to justify. One can move the *tefillin shel rosh* out of a position of *mitzva* relevance and slip a sleeve or cloth under the *shel yad* to make a *chatzitza*. This is likely not a *hefsek* (see above).

### “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](mailto: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.**

▶ [SEND NOW!](#)



# Moreshet Shaul

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

## What Connects Us as a Nation – part I

Based on Siach Shaul, Pirkei Machshava V'Hadracha p. 704

[These ideas are from a letter of greeting to the author of a book.]

The older a *talmid chacham* (Torah scholar) becomes, the more settled his mind becomes (Kinim 3:6). The same viewpoint that started in his youth accompanies him into old age, without deviation and zigzagging, without failures and the need to repent. Rather the scholar started off on the right path and just became increasingly settled. Matters started as a first thought and then become increasingly confirmed. It starts off, "It should be correct because it must be," and it later becomes crystal clear. "And Yosef was in Egypt" (Shemot 1:5), about which the Rabbis says that he was the same Yosef in Egypt as he was in his father's house (Shemot Rabba 1:7). Yosef in hard times and at the height of success was the same, because the truth is one and unchanging.

In this time (1985) of confused philosophies, it is good to find clear presentations, without cloudiness and doubts. [The book] answers two questions: How are we as a nation? What role does the [Zionist] movement have within the nation?

The Zionist ideology that guided the *aliya* to the Land from the beginning of the Zionist movement has put the stress on our cohesiveness as a nation, and as such, on our connection to the Land and everything that relates to it. Although this seems generally correct, it is unclear what the essence of this nationalism is. Are we united by our genealogical origin, and the rest is up to everyone's free will? Are there other ways to coalesce? For example, perhaps language is critical. In Diaspora lands, we became fluent in the national language or some dialect of it, due to our having come from a different country, so we spoke some seventy languages.

Only the stubborn will deny the feeling of connection to others who are of the same origin, as a strong feeling that beats in the heart of the Jew. What else pushes a liberal American millionaire to be interested in Israel or to speak to his powerful leaders about obtaining the freedom of refuseniks in Russia? It is this connection that understandably pushes him to action.

But if this is it, is it not possible that in a generation or two this recognition will fade until it disappears totally? Ben Gurion once spoke of purpose and uniqueness, on the claim that the heart of a Jew beats with a deeper feeling of morality. But one must still ask: Does this feeling of being special give the power to willingly accept all of the difficulties the state needs to struggle with on a daily basis? What prevents the young man or woman from looking for contentment in other countries, especially those that are stable, rich, and secure?

We must add on to these questions. What is the image of our nation in its land if there is nothing constant that unites its members with our brethren in the diaspora? Consider especially that if somehow a peace treaty will be implemented, which is what we are looking forward to, will we not have intermarriage with a foreign nation? Then, there will be no unity left with the nation in the diaspora. These are thoughts that can drive us mad – it raises the possibility that the formation of the State of Israel, would not be one that solves problems, but that arouses bigger problems for our existence as a nation.

*We will continue next time.*

*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*

## Did Any Furniture Go to the Buyer? – part II

(based on ruling 84093 of the Eretz Hemdah-Gazit Rabbinical Courts)

**Case:** The plaintiff (=pl) sold her apartment to the defendants (=def), who had previously rented the apartment from her. *Beit din* solved most of the disagreements between the sides about the sale by means of compromise, except for the following. *Def* says that based on agreement and on common practice in their city, the furniture of the small rental unit is sold along with the apartment. Each side has ancillary monetary claims regarding the furniture if it belongs to *pl*. *Pl* demands payment for *def's* use of that furniture until now. *Def*, who claims not to have used it, says that since *pl* is asking for payment for what happened in the meantime, they will demand payment for storing the furniture during this time. While the contract states that furniture that is not permanently connected to the apartment goes back to *pl*, *def* claim that the built-in oven is included in the sale. *Pl* is also suing *def* for allowing *pl's* divorcee to take books that he had no right to from the apartment.

**Ruling:** *We dealt with the first two issues last time.*

**Built-in oven:** On the one hand, there is no obvious reason that the built-in oven is different from the rest of the furniture/appliances. The fact that it is plugged into the wall when used is obviously not a good distinction, as this is the case for many other appliances, including a refrigerator, about which *def* did not complain when *pl* took. Also, the fact that it fits into a certain area in the kitchen is not a factor, as this is common for kitchen appliances, and one just orders standard sizes that fit these areas.

However, during the negotiations in *beit din* over the main compromise, *def* raised the issue of the oven and *pl* answered cryptically, "Yes," in a manner that seems to clearly indicate that she was admitting that the oven was to remain. *Pl* counters that one cannot turn one word that was said in the course of discussion into an admission. However, *pl* is incorrect, as admission can even be made out of silence, if it is indicative of admission in context (Shulchan Aruch, CM 138:6). It is true that if the admission is not clear, the admitter can explain his intention in a way that it is not admission. However, *pl* did not succeed in doing that, and just saying it is too cryptic is insufficient. To additionally strengthen the ruling, since *def* is now in possession of the oven, if there were doubt, the burden of proof would be on *pl*.

**Responsibility for taken books:** There are no proofs that *def* accepted responsibility as a watchman over *pl's* books, just that they allowed the books to stay in the apartment, and acceptance is required to obligate a person as a watchman (Bava Metzia 81b; Shulchan Aruch, CM 291:2). Even if they were watchmen, since they were not paid and did not benefit, they would be *shomrei chinam* who are obligated only for negligence. In *beit din's* eyes, there was not negligence, since *def* did not see what was written in the divorce settlement and were not warned not to give him any books. Furthermore, *def* claim that the divorcee took only his own books

Comments or questions regarding articles can be sent to:

[info@erezhemdah.org](mailto:info@erezhemdah.org)

**Eretz Hemdah** is the premier institution for training young rabbis to take the Israeli Rabbinates' rigorous Yadin Yadin examinations. **Eretz Hemdah**, with its distinctive blend of Religious Zionist philosophy and scholarship combined with community service, ensures that its graduates emerge with the finest training, the noblest motivations resulting in an exceptionally strong connection to Jewish communities worldwide.