



HEMDAT YAMIM

חֵמְדַּת יָמִימִים

Parashat Hashavua Vayeishev, Kislev 23, 5786

Harav Shaul Israeli zt"l
Founder and President

Mutual Responsibility Brings Redemption

Harav Yosef Carmel

Yehuda, the leader among Yaakov's sons who sold Yosef, failed in the principle of mutual responsibility (*arvut*) that binds all generations of Yaakov's offspring. The *gemara* teaches us the danger: "They shall stumble over one another" (Vayikra 26:37) – ... teaching us that all Israel are guarantors for one another" (Sh'vuot 39a). Tanna D'bei Eliyahu Rabbah (12) compares this idea to a ship in which one compartment is breached, where we say that the entire ship is breached. Yehuda lost his standing in many respects ("Yehuda descended" – Bereishit 38:1).

Hashem taught Yehuda that he must correct his *arvut* deficiency when he reached the point of having to give an *eravon* (same root) to Tamar (ibid. 16-18). When Yehuda tried to retrieve the *eravon*, he was unsuccessful (ibid. 17-20). Another hint is the *ra'av* (famine; the same letters as *arev*), which prompted Yaakov to entrust Yehuda with Binyamin, by promising to be his *arev* (ibid. 43:9). Yehuda stressed this embrace of *arvut* when he explained to Yosef why he was the one championing Binyamin's cause (ibid. 44:32-34).

Yehuda repented, but the kingship would not go to his descendants until a parallel event occurred hundreds of years later. Let us elaborate. Yaakov sent Yosef to check on "the peace of your brothers" and "bring me back word (*davar*)" (ibid. 37:14). Generations later, Yishai (from the Tribe of Yehuda) sent David to check on the "peace of your brothers" (i.e., welfare) and "take their *aruva*" (Shmuel I, 17:18). The parallel language clearly connects the episodes. Yaakov sent Yosef to his brothers, who hated him "because of his dreams and his words (*devarav*)" (Bereishit 37:8). The Torah concludes: "His father 'guarded' the matter (*davar*)" (ibid. 11). Let us explain *davar*. Yosef's dreams about kingship were prophetic, and prophecy is called *davar*. David too had prophetic visions about being king. Yosef's brothers rejected his aspirations and sold him as a slave, contrary to the *davar*. David's brothers also received David with rebuke, and *davar* is prominent in that section, appearing seven times (see Shmuel I, 17:27-31).

David's personal interest was to avoid battle and let Goliath kill Shaul and his sons, so the path would be clear for his ascension. But then David would have continued Yehuda's initial failure in regard to *arvut*. Violating "do not stand idly by your neighbor's blood" (Vayikra 19:16) disqualifies one from leadership. Therefore, his father Yishai reminded him: "Take their *aruva*."

Bearing the yoke of *arvut* is the only way to defeat the enemy and preserve an independent state for Israel, which is a necessary step on the path to complete redemption. This idea appears explicitly in the Midrash (Tanchuma, Vayigash 8): "Yishai said to David his son: Now is the time to fulfill the *arvut* of your ancestor (Yehuda) who became and *arev* for Binyamin to his father... What did David do? He went and fulfilled the *arvut* and killed Goliath. Hashem said to him: By your life! Just as you gave your life for Shaul, who is from Binyamin's tribe, like Yehuda your ancestor did for Binyamin ... (Bereishit 44:33), so I will place the Temple in your territory and in Binyamin's territory."

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



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Ask the Rabbi

Vayeishev

by Rav Daniel Mann

Intention when Tying Tzitzit

Question: I am involved with a branch of the broad efforts to make *tzitzit* for IDF soldiers. We always have people say before tying that they are doing so for the *mitzva* of *tzitzit*. However, we received a *p'sak* that if someone forgets to make the declaration, the *tzitzit* are kosher, because coming to a center for tying *tzitzit* shows it is for the *mitzva*. Once, a man took the *tzitzit* to work on at home and then forgot to make the declaration. Can I assume the *tzitzit* are kosher?

Answer: There are a few halachic questions to deal with, including the extent to which *lishma* (intent for the *mitzva*) is needed. The *gemara* (Menachot 42b) says that the spinning of *tzitzit* strings must be done *lishma*, as the Shulchan Aruch rules (Orach Chayim 11:1). There is a *machloket* whether there is a *lishma* requirement for the attachment/tying of the *tzitzit* strings. The Rambam (Tzitzit 1:12) says that *lishma* is not required for that. He implies (see Beit Yosef, OC 14) that the proof is from the fact that a *pasuk* is needed to disqualify a non-Jew from attaching them (Menachot 42a), even though generally a non-Jew's action relating to *mitzvot* is not considered *lishma*. The Rosh (Tzitzit 14) rules that the *tzitzit* must also be attached/tied *lishma*. Indeed, intuitively, this would be expected because tying is a more integral part of making the *tzitzit* and maybe even a major part of the *mitzva* (see Tosafot, Yevamot 90b) and should thus definitely require *lishma*. The Rambam may reason that it is not situationally clear that the spinning is for *mitzva* strings, so one needs positive *lishma*, whereas attaching the *tzitzit* to the garment is situationally clear that it is for the *mitzva* (Shut K'tav Sofer, OC 2). The bottom line is unclear. The Shulchan Aruch (OC 14:2) rules that if one attached the *tzitzit* without proper intention, he can rely on the Rambam to wear the garment, but that there is enough doubt about it that he should not recite a *beracha* on the *mitzva*.

Another area of doubt is what is needed to ensure things were done *lishma*. In the context of spinning, the Shulchan Aruch (OC 11:1) requires that one "say in the beginning of the spinning that he is doing it for the purpose of *tzitzit* or that he tell the woman 'spin for me *tzitzit* for a *tallit*.'" The Mishna Berura (ad loc. 4) stresses that this entails explicit speech, not sufficing with clear thought, and leaves it as an unsolved question whether, after the fact, if there was correct thought but no statement, the *tzitzit* could be used.

Putting the two matters together, the Be'ur Halacha (to 14:2) says that when there was proper intention without a statement of intent when attaching the *tzitzit*, one can assume the *tzitzit* are valid and make a *beracha* on them. He adds an additional reason for leniency – the standard assumption that the action was done for the *mitzva* is stronger for attaching the *tzitzit* than for spinning the strings. You spoke in your questions of a *p'sak* received, that going to a *tzitzit* making center may be even better than the Be'ur Halacha's case, as the surroundings bolster the logical assumption of *lishma*.

Your question comes down to whether your case is like the Be'ur Halacha's or is even better. It is likely better for the following reason. He received instruction that it should be done *lishma*, which we saw in the Shulchan Aruch (11:1) is equivalent to making the statement yourself. What is not fully clear is whether the break in time and place between the instruction and the performance breaks the transference of *lishma*. It is very possible that the formal impact of the declaration passed (see Moadim U'zmanim 59), but the logic of it being on one's mind would remain. (If he had started right away and continued at home, it would be somewhat simpler (see Chazon Ish, OC 6:10).)

In short, the *kashrut* of the *tzitzit* stands on very strong ground. It still would be respectful and prudent to inform/ask the people in charge of these operations, who are in touch with the IDF rabbinate, to see if they agree that it meets their standards.

"Behind the Scenes" Zoom shiur

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Moreshet Shaul

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

Using Science in the Correct Way

Based on Siach Shaul, Pirkei Machshava V'Hadracha p. 117

[This piece is from a letter or address related to an organization that deals with Torah and science.]

This is a refreshing phenomenon that has arisen during these dreary days. On the one hand, it is a very usual thing. There are ever more *yeshivot* and *kollelim*. But this is a very unique institution, as it is connected to an organization whose purpose is to prepare its students for positions in the world of science. This is a purpose that is ostensibly unconnected to the [parent] institution.

It is from the perspective of troubling situations that we can learn that an institution that guides students of science is critical, so that the knowledge will be applied properly. How powerfully did we see how people took advantage of science to kill hundreds of thousands through the "improvement" of means of destruction! Even in times of peace, we are liable to read about scientific achievement about which it is proper to say: "[There are cases of] riches that bring bad to their possessors" (Kohelet 5:12).

Apparently, this was the intention of this institution's founders. It was not to add another institution of higher learning, but to harness existing knowledge to create a healthy mix between Torah knowledge and science, involving people with a connection to Torah even when they are not "Torah professionals."

The best example of abused talent can be found in the Torah's description of Bilam. The Torah says: "No prophet arose in Israel like Moshe" (Devarim 34:10). The Rabbis commented on this: "There was none among Israel, but there was one among the nations – Bilam" (Sifrei, Devarim 357). Bilam had tremendous talent, with incredible spiritual power, and had great influence. For what did he use his talents and knowledge? To pursue the lowest animalistic desires, fill his pockets with gold and silver, and involve himself in a lowly effort to destroy a nation, one that had just merited to be extricated from centuries of slavery.

Despite Bilam's ability to haughtily stress his greatness, we see that he felt powerless, in that he knew that he would be destroyed and end in purgatory, yet he was unable to change his ways. "The wicked know that that their path leads to death" (Shabbat 31b), and Bilam said: "May my spirit die the death of an upright person, and may my end be like him" (Bamidbar 23:10). But he was wrong, because you cannot have a good end without a good approach in the beginning. Bilam gave expression to the approach of the Nation of Israel: "How good are your tents, Yaakov, your dwelling places, Israel" (ibid. 24:5). This is the saying with which open our daily prayers.

We should look into the content of this blessing, which was said by the enemy of Israel, the ideolog of Jew hatred. The *gemara* (Sanhedrin 105a) points out that Bilam figured out the secret of Israel, which gave it strength and prevented Bilam from cursing them. He also revealed the secret vulnerability through which one can infect the nation's source of uniqueness as a nation.

"Any city that has roofs that are higher than the synagogue will be destroyed" (Shabbat 11a). We would like the study hall to be great not only from the perspective of breadth but also that it be the highest – the crown jewel. It is not just for the sake of the study that occurs therein, but mainly due to the element of fear of Hashem that preserves that which is valuable throughout (see Shabbat 31a).

In general, fear of Hashem is the greatest asset, along the lines of Rabbi Akiva, who said that, included in "Revere Hashem, your G-d" (Devarim 10:20), is reverence for Torah scholars (Pesachim 22b). We must revere and show honor to early Torah scholars, who had great depth to their heart. We should not think that we have uncovered some scholarly finding or that we now know more than the great scholars of previous generations, who collectively toiled over the Torah for so many years.

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

Multiple Agreements and Parties – part I

(based on ruling 80082 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The plaintiff (=pl) worked on a “Tama 38” building project (refurbishing and expanding a building in return for rights to the new apartments) on behalf of def1, who had rights over the project. Later, def1 formed a partnership (=def) with her lawyer (=def2) and def3, and pl helped them get the homeowners and municipality to accept the building plan. The building has not been done yet. Pl was involved in four agreements – sales agreements to buy a new apartment at a subsidy and fee agreements, each initially with def1 and later ostensibly with def. Pl demands his fee. Def has various claims against the agreements – lack of necessary signatures, pl's breach of agreement. [There were various rulings of *beit din* and an appeal process, which we will deal with in installments.]

Ruling: First contract with def1: The contract, signed by pl and def1 allows pl to buy an apartment for 800,000 NIS. Def's claim that the profit pl would receive per the agreement is much higher than reasonable for pl's limited contribution to the project. **Decision:** The general rule is that one cannot nullify a work agreement due to mispricing, whose laws apply mainly to sales of objects (Shulchan Aruch, Choshen Mishpat 227:33). The matter is clearer regarding contributions to a big building project, where the profits can be very high.

Second contract (apparently with def1): This contract, titled an addendum to the first, gives more details about subsidized buying options and a 4% fee for pl for apartments sold to others. It is undated, signed only by def2 in def1's name, and it has a clause that requires the agreement's confidentiality. Def claims that it was written after def received rights to the project, and therefore def2's signature was insufficient, as def's charter requires def3 to sign as well. Def also argue that such unreasonable benefits could only have been extracted from def2 with trickery and pressure, which explains the confidentiality clause. **Decision:** As mentioned, a fee for such work is rarely invalid due to overpricing. Also, the fact that pl did not sign is not a problem, as he could have added his signature to his copy at any time. Thus, the contract is valid at least as an option for pl. Since pl has already kept his part of the deal (successful work in organizing the project), def1 did not lose anything by pl not signing. Therefore, the second agreement is also valid. Since def, as a partnership, received rights to the project and thereby accepted def1's responsibilities, the agreement obligates def as well.

Sales contract with def: This contract, giving terms for pl to receive an apartment, can only apply to def and not one or some partners, because at that time (2017), def as an entity owned the rights to the project. Yet, only def2 signed it, even though def3 is the authorized signatory. Nevertheless, *beit din* accepts the part of the Law of Contracts that allows an insufficiently authorized contract to be accepted after-the-fact by the powers of the company. While there was no formal process of post-facto authorization, there is strong proof that def3 was involved in implementing and strengthening the agreement, which is equivalent to post-facto authorization.

Therefore, *beit din* validated the first three contracts. *We will see more next time.*

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