



Harav Shaul Israeli zt"l
Founder and President

HEMDAT YAMIM

Parashat Hashavua

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More on Weddings and Mending Family Fractures

Harav Yosef Carmel

We discussed last time how marriages for the wrong reasons can cause one to lose his claim to leadership. This week we will discuss marriages that helped heal fractures, specifically in the tribes of Yehuda and Menashe.

The leadership struggle between Yehuda and Yosef, for the time and for all of history, accompanies the narrative starting from *Parashat Vayeishev*, including harsh events. On the other hand, there were also moments of great grace and self-sacrifice that healed wounds. These moments allowed the tensions to ease and enabled national energies to be channeled for positive matters.

The offspring of Yehuda and of Yosef had a common denominator – they had a status of nobility in the Israelite community in Egypt. Yosef is considered the crown of his brothers (Bereishit 49:26), as his standing as viceroy elevated the whole family. Yehuda, on the other hand, was a major part of the delegation who felt the need to approach Yosef after Yaakov's funeral, with the suggestion of "We are slaves to you" (ibid. 50:18). The descendants of Yosef's son Menashe were also frustrated over the fact that Yaakov gave precedence and prominence to Ephrayim and his family (ibid. 48:19-20).

What did these families (families used to be the dominant factors in a couple's match) do to deal with their situation? The *pasuk* (Divrei Hayamim I, 2:21-22) tells that Chetzron (the firstborn of Yehuda's most prominent son, Peretz, through whom went the chain to the monarchical dynasty) married the daughter of Menashe's son Machir. One of this couple's offspring was the prominent Yair. This marriage occurred many years before the Exodus from Egypt. We note that Machir also married off his daughter to a tribesman of Binyamin (compare Divrei Hayamim I, 7:11 and Bereishit 46:21).

It is possible to look at these steps as "alliances of the disappointed losers," as at the time, Chetzron, Menashe, and Binyamin were not in leadership positions. But we prefer to raise a different possibility with a stronger message, which is more likely to be true. The people of Yehuda, as led by Chetzron, and the people of Yosef, as led by Machir, understood that the tension between Yehuda and Yosef, which caused the sale of Yosef and thereby the exile to Egypt, needed to be remedied.

Only repentance and acceptance of the concept of mutual responsibility could advance the nation and ensure redemption. The sons of Leah had to be ready to pay a price and Yosef had to show magnanimity in forgiving his brothers. These steps paved the way for the future wedding that furthered the joining together of the potentially rival tribes. This joining together is far better than the question of "Who will be at the head?"

Mutual responsibility and being willing to share the burden are that which advance Israel toward repentance of portions of the nation, in the religious and the social realms, and full liberation.

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Ask the Rabbi

by Rav Daniel Mann

Electric Lights as *Neirot Shabbat*

Question: When someone does not have candles with them or is not allowed to light a flame, can she fulfill the *mitzva* of *neirot Shabbat* with electric lights?

Answer: The *mitzva* of *neirot Shabbat* has a dual purpose – to provide an atmosphere conducive to a pleasant Shabbat (Rambam, Shabbat 5:1); to show respect for Shabbat (see *ibid.* 30:5). Regarding electric lights, there are two main questions to consider: 1. Is turning on the light considered an **action** that “fits the mold” of the *mitzva*? 2. Is the fuel/light combination valid for *neirot Shabbat*?

Quality of the action: To oversimplify, when one switches on a light, he connects wires in a way that allows electricity to flow to the fixture and operate it. *Acharonim* debated whether that is considered a direct act or if we view it as *gerama* (indirect causation) – just a removal of the separation between the sides. We agree with the approach that views this as direct (see Yabia Omer II, Orach Chayim 17), which indicates leniency here but in the context of Shabbat prohibitions obligates people fully for what is accomplished by connecting an electric circuit. Others also claim (see the Rambam’s language – Shabbat 5:1) that there is no need for an action of lighting, but of making sure that lights are lit (Tzitz Eliezer I, 20:11; see Har Tzvi, OC I:143). According to this approach, it is not important whether turning on the light is a direct action.

Source/type of light: Some question whether electricity fits the prototype of the *mitzva*. Levushei Mordechai (OC III, 59), using Chanuka candles as a precedent, argues that it is invalid because it lacks a classic fuel that one needs to light. Others distinguish between Chanuka, which is commemorating a specific event involving oil, whereas regarding Shabbat, the main thing is the desired light (Yabia Omer *ibid.*). An interesting “proof” (see *ibid.*) that one does not need a classic fuel is the story of the miraculous lighting of Shabbat lights from vinegar (Ta’anit 25a). Rav SZ Auerbach is cited (Shemirat Shabbat K’hilchata 43:(22)) as saying that the source of the light must be present at the time of lighting, which exists in a battery-operated light, but not the home’s electricity, which needs constant refreshing from outside. Also, the light does not look like that of a flame (Tzitz Eliezer *ibid.* is concerned that it looks like a torch). These issues can apply even to an incandescent light, where the light comes from a hot, glowing filament, all the more so to other technologies such as fluorescent and LED. Still, those who focus on the result of a nice atmosphere that helps people and provides honor for Shabbat, should not care about the scientific distinctions on how the light is created.

Regarding bottom line, there is no question that one who cannot light standard candles should use electricity, putting them on at the time of candle lighting with the intention of using it for the *mitzva*. It is also clear that this suffices to not apply the *minhag* (Rama, OC 263:1) that one who forgot to light one week, has to add an additional candle the rest of her life. (If it was truly not possible to light candles, she is anyway exempt from this penalty because of the extenuating circumstance – Mishna Berura 263:7).

The existence of significant opinions on both sides of the debate whether one fulfills the *mitzva* could lead us to a conclusion that it is better not to make a *beracha* (see Radiance of Shabbat p. 12). However, we agree with the approach that part of relying on this best possible solution is to make the *beracha* as well (Shemirat Shabbat K’hilchata *ibid.*). Realize that part of the *mitzva* is that it should be clear that one is lighting for the *mitzva*. In our days, while there is a challenge raised by the fact that most of our light for Shabbat is provided by electric lights (see idea of a halachic solution for this - *ibid.* 34), the candles have the advantage of being clearly done for Shabbat. When one is putting on normal electric lights he would have had even without a *mitzva*, the *beracha* seems to have added value.

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

Introduction to Midrash Rabba – part II

Based on Siach Shaul, Pirkei Machshava V'Hadracha p. 121-124

[We saw that Aggada provides the spirit behind the Halacha of the Oral Law, and that the nations of the world do not accept the Torah with Am Yisrael's enthusiasm.]

A major difference between Israel and the nations is that Israel received the Torah with its spirit. In contrast, the nations received only the dry laws, which do not bring life to or nourish the spirit. The Torah did not become a drug of life for them but of death, causing death and destruction.

They accepted the laws as a revelation of a stubborn, strong power, to which one is compelled to surrender, as he cannot survive without appeasing Him and following His dictates. At the same time, Israel found in the laws their own internal qualities and spirit, and when they became united with this spirit, they became to some extent, the initiators of the laws. The commandments whose reasons are not known, received their true reason – the upper purpose that was placed within them. Therefore, their fulfillment is not done out of coercion, but willfully, not as an obligation but as a joy. "Serve Hashem with happiness" (Tehillim 100:2) was said about Israel (Tanchuma 58:19). The happiness works toward the service of Hashem and becomes part of it. This is impossible for the nations of the world, as is written, "Do not be happy, Israel, to joy like the nations" (Hoshea 9:1). Their service of Hashem is accompanied by sadness, a feeling of servitude, and limited activeness.

The difference is that Israel looks at *mitzvot* as an intrinsic goal. The Jew sees that the very fulfillment of *mitzvot* improves oneself and improves the whole world. In contrast, the nations see the *mitzvot* as ways to do Hashem's will, which do not have a direct impact on the world.

Typical of the nations' outlook is the expression, "The end justifies the means." There is a goal to which one aims, and to reach this goal everything is permissible. We, in contrast, convey intrinsic importance to the actions. When we posit that a good or bad action has a positive or a destructive impact, it turns out that the end and the means are the same. Therefore, the end never justifies the means. In any case, we never allow the end to justify [forbidden] means.

Rav Kook (Orot Hateshuva 6:7) explained *Chazal's* intention in saying that originally, a tree's taste was supposed to be like that of its fruit. Rav Kook explained that the divine intention was that a person would find in the means the same "taste" as in the goal. When that did not happen in Creation, the Torah came to renew the idea. This is along the lines the *midrash* learns from Mishlei (8:30) that the Torah is Hashem's craftsmen's tool. "Hashem created the world with *reshit*" (see Bereishit 1:1) – with the Torah which is called *reishit*" (Bereishit Rabba 1:1). If so, it turns out that the laws of the Torah are not external to the world but rules that work within the world, like the known rules of nature do. Furthermore, the rules of nature are only expressions of the word of Hashem and His laws of the Torah.

Our good and bad actions have the power to improve and ruin just like our physical actions do. Our spiritual actions actually have broader impact than physical ones. When we have the opportunity to do something good, it should make us happy. We create and improve. When we lose an opportunity, it saddens, as a tool to bring much good for us and the world slips by.

This spirit is included in the Aggadic Rabbinical writings and is foundational to many *halachot* found in the Oral Law. This includes many rabbinical injunctions, to try to avoid the violation of a Torah law, by providing many protections. This stems from a recognition that the drug of life and of death is in our hands, so that we must be very careful. In this context, the element of doing that which one is required to do is particularly noticeable. Also, the fact that the Rabbis legislated something that the Torah did not command represents the highest level that the whole *mitzva* came for. Through the expansion of the *mitzva*, Israel reaches beyond the *mitzva*.

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P'ninat Mishpat

Multiple Agreements and Parties – part IV

(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 – two sales agreements to buy a new apartment at a subsidy and two fee agreements. [We have already discussed which agreements are valid and now will deal with some ancillary issues.]. Pl demands his fee and benefits, which the sides dispute.

Ruling: Impact of def's non-payment – Def claims that pl was disqualified from his rights to an apartment at a discount because he did not pay the first installments. Beit din disagrees, as once the project got bogged down, one cannot expect a potential investor to invest money that can easily be lost. This is among the things that can be assumed simply without a formal condition (see Tosafot. Kiddushin 49b). Therefore, pl's option is still in place, and pl must pay the first installments only when the project looks to be progressing.

Linkage of the apartment's price to a building index: The agreement says that pl will pay 1.7 mil. NIS for the apartment, which par. 5 links to the building index. However, the clause also states that pl is exempt from linkage if there is a significant delay attributable to def. The agreement between pl and def1 states that def1 is responsible to pay for all of the taxes and fees relating to the building. Since the project was stalled because def's members argued over apportioning taxes payment between them, def is to blame for the delay. Therefore, pl is exempt from linkage increases during the time of the delay.

Payment to pl for work done: Pl claims that since the value of the discount on buying one of the project's apartments was approximately 2.5 mil. NIS, he should get that sum as a fee even before the project is completed. Def claim that pl only did a small part of what a project manager does, and that he did not do it well. Although beit din did not accept the fee contracts, pl claimed they are valid. Since according to these agreements, pl is to get much less than the amount he is asking for now, his claim is illogical considering the project has not progressed. As a ruling based on compromise, pl is to receive 2% of all that def will receive from buyers for the project.

Personal responsibility of the members of def: The three partners of def do not want to accept personal responsibility for any payment to pl, claiming that any payment can come only from the project's finances. However, they are not yet a corporation (without personal liability). They tried to receive such status, but in the meantime were rejected because of flaws in their reporting and complaints of creditors. In this case, since def1 initially obligated herself as an individual and def accepted all of def1's related responsibilities, it is unreasonable to deny personal responsibility.

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