



Harav Shaul Israeli zt"l
Founder and President

HEMDAT YAMIM

Parashat Hashavua

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A Rare Commodity – The Right Blend of Unity and Humility

Harav Yosef Carmel

Leaders who can unite the people of Israel with humility, allowing diverse opinions and disagreements, are unfortunately rare. Unity is achieved through mutual respect for the variety of views and perspectives. This mutual respect stems directly from humility, which requires each person to make space for others. This is how we connect to the Divine Presence and His ways of "containing all together."

Yaakov, who yearned his whole life to see his family united, left a testament – the blessings for his descendants – clearly establishing that the "crown" would rest on Yosef's head, but that Yehuda had the right to be a partner. This would achieve unity between Rachel's sons and Leah's sons. Yosef's prominence was rooted in reality, as he was Paroh's all-powerful viceroy, but it far exceeded this factor and was connected to his mother, Rachel. Yaakov even had a first thought that Dan, the firstborn of Rachel's maidservant, would be the antecedent of the Mashiach (see Bereishit Rabbati regarding "Dan will judge his nation like one of the tribes of Israel" (Bereishit 49:16)).

We return then, to our question from last week: How does the transfer of leadership to Moshe at the beginning of Shemot align with Yaakov's plans? We already raised the idea that descendants of Ephrayim, Yosef's more prominent son, failed, during the Exile, to make good use of his leadership, when they tried to improperly "jumpstart" the liberation. We will now look at a different approach.

To bring the people out of Egypt and receive the Torah required an exceptionally unique leader with two qualities: First, he needed leadership skills, acquired by growing up as a prince in the royal palace. Second, he had to tower above all the people so significantly that no one could ever challenge him, ensuring that "Moshe is true and his Torah is true" would always be a sacred principle. Thus, Moshe was chosen on a one-time basis, as the leader needed for the times, even though he was not a descendant of Yosef or Yehuda.

The Tribe of Ephrayim was clearly displeased with this (see precedent in Shoftim 8:1-3). Moshe addressed this challenge by appointing Yehoshua bin Nun as his deputy, declaring in effect that he was not claiming permanent leadership, which would remain with Ephrayim. Already in the battle against Amalek, Yehoshua was the partner-leader, as the *pasuk* says "Moshe said to Yehoshua, 'Choose men for us and go fight Amalek.'" Rashi emphasizes: "'For us' – for me and you, making him equal to himself." Moshe's greatness, including his humility, is fully revealed. The willingness to share leadership for unity's sake is key to victory over Amalek and success against all challenges.

But what about Yehuda? Yehoshua also had a partner: Calev ben Yefuneh. The *gemara* (Sota 11b) identifies him as Calev ben Chetzron, son of Peretz, Yehuda's firstborn through Tamar, ancestor of the royal dynasty (see Divrei Hayamim I. 2:18).

Thus, under Moshe's leadership, Israel united. Alongside Moshe stood Yehoshua from Ephrayim/Rachel and Calev from Yehuda/Leah.

Here too, and throughout history, humility is essential for achieving unity.

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Ask the Rabbi

by Rav Daniel Mann

Collecting Money for a Specific Medical Cause

Question: Sometimes, when I hear about someone who needs expensive surgery or the like, I raise money for him directly from my contacts. What would I do with the money if, after collecting it, the person dies or the great expense ends up not being necessary?

Answer: A *mishna* (Shekalim 2:5) says that if money is raised to support a poor person or ransom a captive, any leftover money after the needs were taken care of goes to the person for whom the money was raised. There are multiple opinions of what to do with money remaining from what was raised for a funeral – to the inheritors; left untouched; to create a commemoration. The Yerushalmi (ad loc.) brings a *machloket* regarding money that was raised but turned out was not needed.

Among *Rishonim*, the Beit Yosef (Yoreh Deah 253) cites a *machloket* between the Rashba and Rosh regarding unspent money of *pidyon shvuyim*. The Rashba (Shut IV:55) says that if money was raised to ransom someone and he died before being ransomed, the money goes to his inheritors, based on the *mishna* above. The Rosh (Shut 32:6) addresses a case where the kidnapped woman decided not to return to the Jewish community. He ruled that since the donors did not intend to donate money for such an occurrence, the money should return to them. He distinguishes between his case and the *mishna* – the *mishna* is when the money was primarily used as planned, in which case, donors do not seek any returns. In contrast, if the money turns out to not be needed, it is returned. The Shulchan Aruch (YD 253:7) cites both opinions, but prefers the Rosh. The Rama (ad loc.) and other *poskim* (see Shut Chatam Sofer II:237) also accept the Rosh.

Therefore, the general answer to your question is that if the need disappeared, the money should be returned to the donors. However, cases can differ from each other. The Chevel Nachalato ((Epstein) II:37) refers to a case where the fundraising campaign focused on the dire financial situation of the family of the sick woman, so that there was logic to want the money to go to the family when she died pre-surgery. He justifies this due to a weaker assumption that people would want their money and also due to authority of *tzedaka* collectors, as we now explain. A public charity organization has the right to make decisions to change the intended recipient from that which the donors were informed of (Shulchan Aruch, YD 256:4). Therefore, Rav Epstein encouraged the charity fund to change the funds from medical to helping the impoverished family.

It is not clear if you are fundraising independently for the family or funneling funds to and through an NPO. The latter has some technical and halachic advantages. First of all, donors who pass the tax threshold benefit from significant tax breaks through a qualified NPO. It also shields you from questions that could arise about how you handled the money. On the halachic end, we have seen that public charity *gabbaim* have the authority to make decisions what to do with funds in cases like you raise. If someone specifically does not want that but wants the money back if the need changes, he could indeed use you with an explicit stipulation, which would work. On the other hand, some organizations (one should not generalize) take a percentage of the contributions earmarked for a person to cover overhead (which is legitimate), so raising and giving the money directly to the person in need can sometimes help him.

If you act independently, you should document the sources of the money carefully, for several reasons. The Rosh (above), while fundamentally advocating return to the donors in cases like these, acknowledges that this is not always feasible, and suggests using the money for a project helping the masses or for a need of the same type. If you have already passed the money on, you have no responsibility to try to get it back. However, if you document at least sizable donations that are still in your control, you would owe to the people who trusted you to ask them what to do with the money that became unused for its intended purpose.

“Behind the Scenes” Zoom shiur

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Discipline in Informal Education – part I

Based on Siach Shaul, Pirkei Machshava V'Hadracha p. 168

There is a difference of opinion among educators about the correct way to educate the young generation. Should one use a “strong hand,” to react strongly and follow the “strict law”? Or, should one use a “hand that caresses,” to explain with a soft voice, speak to the child’s heart, and show how good it is for the child to act properly and how bitter it is when he strays from it?

The outlook of the Torah and the Rabbis is to employ some of each approach. “One who spares his rod hates his son” is a clear motto (Mishlei 13:24). The Rabbis have a rule about educating the young: “Your left hand should push away, and your right hand should draw close” (Sanhedrin 107b). In other words, one should not rule out even harsh measures when he sees a need for them. The dichotomy is not just a compromise between two opposing approaches. Rather, the Torah and the Rabbis set a stand according to their general outlook on man and his role in the world.

The Torah views man as a being with two different powers fighting each other, with each wanting to win and fully conquer the other one. One side of a person is, “... in the form of G-d He made man” (Bereishit 9:6) – this is the soul which is of divine origin. It shines fully like the Heavens, and it deserves to be treated with encouragement and explanation. Furthermore, this is the only language it understands.

However, at the same time, man has another side. “... the inclination of a man’s heart is evil from his youth” (ibid. 8:21). This means that people have destructive powers that try to break forth and take over the persona. Just like weeds in the field, these destructive powers are very strong and do not need special treatment [to grow]. As long as one does not uproot them, they grow on their own and overpower and wipe out all growth around them. In order to handle these destructive forces, one needs strong measures, which must destroy the weeds.

When it comes to people, their difficult side only understand the language of the “whip” and punishment, and about this situation, the *pasuk* says: “One who spares his rod hates his son.” One does not do a favor for his child if he comes to terms with the way he is or fails to take the proper steps of “pest control.” If one is passive, the forces are able to take hold and find their place in the heart, in which case, he will not be able to uproot the forces of evil when he grows up.

However, the above is true concerning a father as he relates to his son, not for the relationship between a youth leader and his charges. The relationship between a father and child is full and broad, enveloping all elements of the child’s life. The child’s perspective on his father is not built only on the basis of actions that the child sees as clearly educational, in which he needs to compromise his desires when they conflict with what his father decides for him. The child lives at home on an ongoing basis, and the love that develops between parents and children is natural. It does not reach the danger of severing even when there is temporary anger, even if the child thinks the parent has acted improperly. A father is a father unconditionally. Therefore, the anger and lack of satisfaction that the child feels due to punishments he receives normally pass without causing a barrier. These are bolstered by the natural love which will over time overcome the temporary anger. He is likely to think: “My father definitely loves me and wants what is good for me; he feels pain when he punishes me. If he punishes me anyway, he must feel that my behavior is unacceptable, and I must improve.” The punishment thus becomes part of the process of contemplation and healing and is worthwhile even though it is unpleasant.

Next time we will see how it is different for a youth leader and children.

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Itamar Chaim ben Tzipora

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P'ninat Mishpat

Sharing in Plumbing Expenses – part II

(based on ruling 85013 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The plaintiff (=pl) and the defendant (=def) own neighboring apartments in a building in which all the owners on one wing expanded their apartments. As a result of pl's renovations, pl's contractor changed the pipes draining the wing's waste, and they now service only pl and def. Ten years later, pl reported to def that there was a major clog and then fixed it with plumber A for 15,500 NIS. Weeks later, pl paid plumber B to do additional work for 14,000 NIS. Pl asked def to pay half of the repairs' cost. Def refuses to pay at least the great majority of the expense for several complementary reasons: 1. The problem stemmed from mistakes in the redone piping. 2. Research revealed that plumber A took an unreasonable amount of money, and the second repair was not needed. 3. Pl told def that plumbing needed to be done, but def had no idea it would cost so much. 4. Other people in the building share some of the pipes and should also be charged. 5. The receipts pl presented contain irregularities.

Ruling: [Last time we saw the rationale for the grounds for def's obligation and the need for compromise. Now we analyze the strength of various claims to arrive at a compromise.]

First, we note that each side miscalculated in their handling of the situation. Pl should have updated def as soon as it became apparent that the repairs would be much more costly than most plumbing repairs. On the other hand, if def did not trust pl's handling of the situation, they should have requested pl to discuss the matter with them before committing to pay the plumbers. It is problematic for def to give apparent carte blanche in the first place and then be particular after the fact.

We now relate to def's specific claims, brought above. 1) **Problems stem from faulty construction** – This is a reasonable possibility, but one which was not proven. It is grounds for reducing def's obligation. 2. **The plumbers were flawed** – Since there is a clear need to share in the expenses, claims that the expenses were unnecessary need to be proved. Although it is somewhat telling that pl felt a need to fight to (successfully) reduce plumber A's charges, it is likely that after doing so, the price was not very inflated. Therefore, there are only minimal grounds for reduction here. 3. **Def was not informed of high price** – On the one hand, this is a correct claim. However, it is relevant only to the extent that there are valid complaints with what was done. 4. **Others should also pay** – This was not substantiated, and therefore it has little impact. 5. **Problematic receipts** – Since def did not substantiate the problems but made a general statement, and since def admitted to generally having high regard for pl, it seems disingenuous to raise the possibility that pl forged the details of the receipts or the like. Therefore, this has little to no impact.

Based on factoring in all of the above, *beit din* obligated def to pay 60% of half of the expenses, i.e., 8,850 NIS.

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