



Harav Shaul Israeli zt"l
Founder and President

Rachel, Leah, and King David – What Happened?

Harav Yosef Carmel

When the descendants of the matriarchs Rachel and Leah lead the nation jointly, the unity in Bnei Yisrael receives special significance. Differences of opinion do not doom that prospect, and when the parties know how to compromise, multiplicity of thinking is an advantage. The place in which this goal finds beautiful expression is Beit Lechem. In this town lived descendants of Leah, from the family from which the monarchical dynasty would emerge (the ancestors of Boaz were Yehuda, Peretz, Chetzron, and Ram – see Divrei Hayamim I 2:9). Yet, the townspeople blessed Boaz: “May Hashem make the woman who is coming to your house like Rachel and Leah, the two of whom built the House of Israel ... and may your home be like the house of Peretz whom Tamar bore for Yehuda ...” (Rut 4:11-12).

Up to the days of Shaul (from the Tribe of Binyamin, which was considered an extension of the Tribes of Yosef), the idea that leadership would come from the descendants of Leah finds little expression. (We discuss why in the upcoming Tzofnat Shmuel). When David became king, the window opened to the possibility of remedying the situation. The first ones to realize this opportunity were the children of Shaul.

The first one who tried to unify the leadership between the tribes was Yonatan, son of Shaul and thus a descendant of Rachel. Right after David killed Goliath, Yonatan made a pact with him and took off his cloak and weapons and gave them to David (Shmuel I 18:3-4). Yonatan explained elsewhere the content of the pact – David would be king, and Yonatan would be his viceroy. If this had come to fruition, Bnei Yisrael would have had the perfect situation – a king from the sons of Leah and his number two from the sons of Rachel, along the lines of the blessing of the people of Beit Lechem. Unfortunately, Yonatan's death in battle on Mt. Gilboa prevented this.

The second attempt was by Shaul's daughter Michal, who strove to marry David and thereby make him her father's son-in-law (see *ibid.* 18:20). Had this worked, unity would have been reached on two planes. Right away, David would have had the standing of the son-in-law of the king. Yonatan, the heir apparent, would have cooperated, and they could have ruled together. In the second generation, David's children from Michal would have been a combination of Mashiach, the son of Yosef and Mashiach, the son of David. Unfortunately, severe problems disrupted this. Shaul decided to use the proposed match as a way of getting David killed (*ibid.* 21-25). Shaul demanded that David earn this match by embarking alone on a virtual suicide mission against the Philistines. Even when David succeeded against all odds, Shaul still continued to look for ways to have him killed (*ibid.* 29). When this did not succeed, Shaul gave Michal to Palti ben Layish as a wife. Only after Shaul died, did Michal return to David, but the union did not result in offspring.

Next week we will continue to look into unity between Rachel and Leah in the time of David.

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



Ask the Rabbi

by Rav Daniel Mann

The Power of Rabbis in *Berachot*

Question: If one can fulfill the Torah-level *mitzva* of *Birkat Hamazon* by saying *Al Hamichya*, wouldn't the extra *berachot* in our present *Birkat Hamazon* be considered *berachot she'einan tzrichot* (extra/unwarranted *berachot*)?

Answer: There is indeed a respected, far from unanimous, opinion (see Beit Yosef, Orach Chayim 191) that the fact that *Birkat Hamazon* requires three *berachot* (unlike similar content in *Al Hamichya*'s one *beracha*) is Rabbinic. This response follows your assumption that it is correct.

Almost all of our *berachot* are of Rabbinic origin, with *Birkat Hamazon* and likely *Birkat Hatorah* (see Mishna Berura 47:1) being exceptions. Thus, *Chazal* certainly thought that it was justifiable for the appropriate Rabbinic leadership to initiate *berachot*, and if you can create a need and a text, you can turn one *beracha* into three!

One might think that a *gemara* (Shabbat 23a) questioned *Chazal*'s ability to create *berachot*. It wondered about the *beracha* on Chanuka lights, a Rabbinic *mitzva*, and supplied *p'sukim* indicating Rabbinic authority. However, the *gemara* was only surprised about the **wording** of the *beracha*, which praises Hashem for commanding us to fulfill this Rabbinic *mitzva*, which ostensibly He did not do. The *gemara* answers that since Hashem required us to adhere to the Rabbis' dictates, He, in effect, commanded us to fulfill Rabbinic *mitzvot*. The ability to create *mitzvot* and *berachot* was not questioned.

The Rambam, as generally understood, has consistent opinions on these abilities. The Rambam (Berachot 1:15) posits that one who makes an unwarranted *beracha* (called a *beracha she'eina tzricha* (=bsetz) or a *berecha l'vatata*) violates a Torah-level prohibition. One can fully appreciate your question: how can *Chazal* make a *beracha*, as a Rabbinic preference in such a matter should ostensibly not uproot the Torah-level prohibition? One answer is based on another opinion of the Rambam (Mamrim 1:2) – the Rabbis “legislate” with the Torah’s authorization, which gives a Torah-level standing to their laws. So, Rabbinic originated *berachot*, recited according to *Chazal*'s rules, have Torah-level recognition, which obviates any potential of being a *bsetz*.

Another answer is based on Tosafot (Rosh Hashana 33a), who posits that making a *beracha l'vatata* (and certainly a *bsetz*) is only a Rabbinic prohibition. The logic is that the prohibition of uttering Hashem’s Name in **vain** (Shemot 2:7) cannot apply to a **sincere praise** of Hashem, even if not in line with the rules of Halacha. If the whole problem is Rabbinic, then if the Rabbis preferred an expansive *Birkat Hamazon*, who can stop them?!

Another possibility is a concept found in various areas of Halacha – *masra Torah lachachamim* (=mtlch). This refers to a halachic precept that is binding by Torah law, but whose details were left for the Rabbis to set. For example, some (see Beit Yosef, OC 530) use this regarding the laws of Chol Hamoed, which the Torah may allude to as having Torah-level prohibitions that are more relaxed than Yom Tov. *Chazal* were authorized to **determine** the parameters of permitted and forbidden actions. We can explain here too, that the Rabbis decided the parameters of the rules of *berachot*, which if violated, might be using Hashem’s Name in vain. If the Rabbis endorsed a certain text of *Birkat Hamazon*, as they created so many *berachot*, then, if *mtlch* is in play, it could not be forbidden as in vain.

Actually, even if one does not employ *mtlch* broadly, it seems unlikely that following the Rabbis lead in *berachot* could be considered “in vain.” This idea is similar to the concept that if one has a good reason to knock down a fruit tree, he does not violate “do not destroy its trees” (see Bava Kama 91b). Notice that although it is forbidden to instruct a child to do a prohibition (Yevamot 114a), one may have children make *berachot* even at a time that it is nothing but for practice (Rambam, Berachot *ibid.*).

So, whatever the spiritual gains *Chazal* envisioned in forming *Birkat Hamazon*'s text, any number of mechanisms can justify their ability to do so.

“Behind the Scenes” Zoom shiur

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Moreshet Shaul

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

Discipline in Informal Education – part II

Based on Siach Shaul, Pirkei Machshava V'Hadracha p. 168-170

*Last time we saw how a father can sometimes discipline harshly without negative repercussions.
Now we will address a youth leader.*

A youth leader's relationship with his charges is primarily in connection with the youth activity. Their relationship also resembles one of an older and a younger brother, or an older and younger friend. Although there are several years between them, and the child's expectation is that the leader knows and understands more, they remain friends. They are, so to speak, like study partners, in a manner that the child learns from the leader, as he sees him as a person he wants to emulate. As soon as the child stops to see him in this light, but rather as one who is trying to dictate orders from above, he immediately loses his value as a youth leader. There is nothing that could damage the feelings of friendship more than the leader meting out punishment in the form of hitting the child. The punishment will not have a therapeutic effect [as it might from the father], and therefore we must reject it as an option. "One who lacks tolerance cannot teach" (Avot 2:5). An educator must employ tolerance and patience. He should use the "weapon" that is at his disposal and only at his disposal – public opinion, i.e., the opinion of the group in which the child is one of the participants.

One should remember that man is a social creature, as finds expression in the Rabbis' observation: "Either friends or death" (Taanit 23a). A person would not do a criminal act of any sort if he did not think that his peer group will either look upon it favorably or at least be indifferent to it. If there were fierce opposition, there is no way he would do it (ed. note – this apparently refers to doing it openly). After all, this would distance him from his social group, which to him is like death. Therefore, a youth leader should try to create a group approach that rejects the problematic behavior of the child, and the improvement will come on its own.

However, while we do not view physical punishment as a legitimate approach to youth leadership from the perspective of the child, there may be times that he will need to use it. It can occur when there is a need to protect the needs of the entire group, where one of the members of the group has damaging influence, and his presence negatively influences the whole group. If the child is incorrigibly corrupted, and he introduces feelings of scorn and cynicism against the leader and the values he is trying to share, it is important for the leader to use force to lower his inflated ego and lower him in the eyes of his friends. This [highly exceptional] act of punishment will be a first step towards his social isolation and removal from the group, and only afterward can there be a formal act to remove him from its ranks.

In summary, physical punishment can be justified to the extent that it brings healing, whether it is by a father doing it to his son, or if it heals a group, as sometimes applies to a leader taking steps against a difficult student. If the discipline is not calculated according to the goals, it should not be used as a method of dealing with a child.

In the case that a leader already strayed from the advice we have given and gave a physical punishment due to a loss of control, then we should apply the rule of the Rabbis: "Do not judge your friend until you were in his predicament" (Avot 2:4). Do not look at it as a purposeful sin but as an accidental one. Considering the situation, he might be able to continue his youth work in a different atmosphere, e.g., a different group that is easier to lead.

*We daven for a complete and speedy *refuah* for:*

Itamar Chaim ben Tzipora

Nir Rephael ben Rachel Bracha

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Ori Leah bat Chaya Temima

Neta bat Malka

Meira bat Esther

Together with all *cholei* Yisrael

P'ninat Mishpat

A Contractor's Leaving the Job in the Middle – part I

(based on ruling 84013 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The plaintiff (=pl) hired the defendant (=def) to do extensive renovations to her apartment for around 750,000 NIS. Def began the work and over time received around 370,000 NIS from pl. Pl claims that, at some point, she began becoming suspicious that the amount of money def was requesting was not in line with the work he had done and that def was barely on the site and was well behind schedule. She demanded that def justify in writing the money requested in relation to the work completed. Def did not do this and also demanded an increase in pay due to pl asking for additions and def's mistaken underpricing. Pl refused, and sometime later def stopped the work. Pl demands a return of money that exceeded the work done and compensation for building flaws.

Ruling: It is critical to determine whether def's decision to stop working was justified, because if it was not, def receives pay for his partial work in a manner of "his hand is on the bottom" (Shulchan Aruch, Choshen Mishpat 333:4). Specifically, we subtract from the amount due for the whole job the cost of having someone else finish the job (which, practically, is always more than it would have cost the original worker).

In this case, both the claims and the communications make it clear that def left the job because pl refused to advance more money. According to the contract (and normal practice), payment comes periodically after certain percentages of the work are done. In answer to *beit din's* question, def said that he finished between a third and a half of the project. Pl paid almost half of the full price of the project, so that pl was not in significant arrears even according to def's claims. This is exacerbated by the fact that pl asked def to prepare a staged payment schedule, which he did not do, and that def left the job when the apartment was susceptible to water seepage as the rainy season was beginning. Therefore, def was not justified in leaving the job, which has the consequence mentioned above.

According to *beit din's* expert's report, the value of the whole project is around 840,000 NIS, some 90,000 NIS more than the contract price (this difference of around 12% would not be grounds for claims of mispricing even if applicable). Def completed 31% of the job, and the expense of finishing the job by others is 585,000 NIS, so that def should get around 165,000 NIS for the work he did. To this we add 16,000 NIS, for what def did beyond what was included in the original plans. We must reduce the price of faulty work. Def did not challenge pl's claim that she paid just over 370,000 NIS.

Originally, pl wanted def to continue at least part of the work, but later changed her mind and wanted to part ways. At the earlier stage, *beit din* gave instructions to def about partial work he must do for pl, but def ignored *beit din's* instructions, including after *beit din* granted him an extension to do the work. Therefore, *beit din* accepts pl's desire to move on from def.

We will continue next time with other elements of the dispute.

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