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HEMDAT YAMIM

חֶמְדָּה יָמִימִים

Parashat Hashavua

Yitro, Shevat 20, 5786

Rachel, Leah, and King David – What Happened? – part III

Harav Yosef Carmel

We continue to focus on the importance of unity between the offspring of Rachel and of Leah and continue with David's attempts at helping create it. We saw that there was hope of unity in the leadership with Yonatan and with his wife Michal, both children of Shaul, but that neither worked, for very different reasons.

Going back to the aftermath of the death of Shaul and Yonatan on Mt. Gilboa, Avner, Shaul's cousin, and Ish Boshet, Shaul's weak son, were both killed. What was left of the family was Yonatan's son M'fiboshet. M'fiboshet could have represented the children of Rachel in a supportive role for David, the descendant of Leah.

Let us remember who M'fiboshet was. When word came back that Shaul and Yonatan had fallen in battle, M'fiboshet's nanny fled in panic with him, and in the process M'fiboshet fell and was crippled (Shmuel II, 4:4). M'fiboshet was hidden east of the Jordan to protect him from the Plishtim and perhaps, unnecessarily, from David. Actually, when David removed the threat of the Plishtim and entered Yerushalayim, he tried to ascertain what happened to the remnants of Yonatan's family, and he looked to return the favor of Yonatan's kindness (ibid. 9:1).

With this in mind, David met with Tziva, the custodian of Shaul's estate. David asked him who from the family was left to whom David could be kind (ibid. 3). However, Tziva wanted to maintain control of the estate and therefore used two pieces of negative characterization to keep M'fiboshet from getting close to David. He stressed that M'fiboshet was crippled, implying that he was incapable of being a partner in David's leadership, as the cornerstone of a leader is to be able to lead men into battle. (We note that even in 20th century America, President Roosevelt went to great lengths to hide his physical disability.)

The second thing is that Tziva said that M'fiboshet was in "Lo Davar." The *gemara* (Shabbat 56a) says that Tziva was playing a word game to convince David that there was nothing redeeming about M'fiboshet. Tziva continued with various lies about M'fiboshet's alleged disloyalty, until finally David concluded that M'fiboshet and Tziva would split the estate (ibid. 19:30). Hashem saw this acceptance of *lashon hara* about M'fiboshet as a betrayal on the part of David. The *gemara* tells that at the moment that David decreed that Shaul's estate would be divided, a heavenly voice announced that Rachavam (David's grandson) and Yeravam would split the Kingdom of Israel. This *lashon hara*, thus concluded the *gemara*, caused a diminished kingdom and eventually our exile from the Land.

Indeed, the result of disunity is exile and destruction. We should remember that!

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



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Ask the Rabbi

Yitro

by Rav Daniel Mann

Possibly Early *Mincha*

Question: I (a woman) noticed after finishing *Mincha* that it was two minutes after the earliest time to *daven Mincha*, so I must have started *Shemoneh Esrei* (=SE) before the time. Should I repeat SE?

Answer: Earliest *Mincha* time on our halachic calendars is a half hour after *chatzot* (astronomical midday). Since the three *tefillot* relate to morning, afternoon, and night, we would have expected *Mincha* to begin at *chatzot*. The reason it does not is critical to answering your question.

One *gemara* (Yoma 28b) reports that Avraham *davened Mincha* right after *chatzot* and wonders why in the *Beit Hamikdash* they never slaughtered the afternoon *korban* until a half hour later. One of the *gemara's* answers is that Avraham was an expert in knowing when it was *chatzot*, whereas others wait a half hour to make sure it is afternoon. The Magen Avraham (233:1) learns from here that fundamentally the earliest time for *Mincha* is *chatzot*, and our practice of waiting a half hour is precautionary.

Another *gemara* (Berachot 26b) writes categorically that the earliest first starting time of *Mincha* (*Mincha Gedola*) is 6.5 hours (i.e., half an hour after *chatzot*), which corresponds to the earliest afternoon *korban* of the year (*Mincha Ketana* is at 9.5 hours into the day, the usual time of the *korban*). One reconciliation of the *gemarot* is that Yoma follows the approach that the *tefillot* were modeled after the patriarch's *tefillot* and that Berachot follows the approach that they are modeled after the *korbanot*, i.e., never before 6.5 hours (Magen Gibborim 233:1).

Conceptually, the Magen Avraham (ibid.) saw the extra half hour as a precaution, according to which we would expect that if one accidentally *davened* during the half hour he would be *yotzei*. Yet, he infers from the Shulchan Aruch (Orach Chayim 233:1) that since he views *Mincha Gedola* itself as *b'di'eved*, before 6.5 hours must be totally invalid. The Pri Megadim (ad loc.) counters that there could be three levels: optimal- *Mincha Ketana*; less than optimal- *Mincha Gedola*; *b'di'eved*- during the half hour.

The Mishna Berura (233:2) suggests that if we wait a half hour due to concern for mistake, we should treat someone who *davened* then like one who is unsure if he *davened* properly, who does not need, according to the basic law, to *daven* again (see Be'ur Halacha 107:1). However, he also raises the following reason not to be *yotzei b'di'eved*. Irrespective of the original reason for adding the half hour, once it was set, prior to that time is simply and fully the wrong time (Sha'ar Hatziyun 233:6). This approach finds expression in the opinion that during this half hour, one can even *daven Shacharit* (see Mishna Berura 89:7). The Mishna Berura does not resolve the question whether one who *davened Mincha* during the half hour must repeat *Mincha*. (If one chose to do so, she **might** make a condition that if she was already *yotzeit*, the second *tefilla* is a *nedava* (see opinions in Ishei Yisrael 27:(9)).)

We now turn to your case's specific details. The fact that you **ended SE** at the right time does not help. Although a minority opinion holds that if one starts *SE* at the right time, he is *yotzei* even if he finishes after the end point, that is because the beginning may have special importance (see Aruch Hashulchan, OC 110:5). The end does not have such importance!

What is helpful is that your case occurred in early winter. It is not clear whether the half hour is a *sha'ah zemanit* or 30 minutes on the clock (see Sha'ar Hatziyun 233:8), and most calendars are *machmir* in both directions. Therefore, you started before the end of the 30 minutes, but after half of a winter *sha'ah zemanit*. Your being a woman might call for slight leniency. Women are obligated in *tefilla*, but **some** say that once a day suffices (see Mishna Berura 106:4). Even if you *daven Mincha* regularly, this doubt can be added to the others.

Most *poskim* rule that one who *davened Mincha* during the half hour after *chatzot* was *yotzei* (see Ishei Yisrael 27:5; Tefilla K'hilchata 3:39). This is clearer in your case due to the additional indications.

“Behind the Scenes” Zoom shiur

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Moreshet Shaul

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

Eretz Yisrael in Halacha and in Sanctity – part II

Based on Siach Shaul, Pirkei Machshava V'Hadracha p. 137

[We continue with analysis of classical Jewish philosophers and applications to contemporary times.]

Regarding the Rambam and Rihal (R. Yehuda Halevi), you claimed at length that Maskilim were overly dependent on their opinions. You should realize, though, that not everything that was “touched” by the Maskilim became unfit for use because they touched it. The main question is what conclusions one draws from it. I don't think that someone who reads what I wrote will take on an outlook of rationalism. It is worthwhile to know that there are differences between the Rambam and Rihal, and that Rihal criticizes that which he calls “the god of Aristotle,” whereas the Rambam saw in him brilliant approaches. It is important to stress this and learn it in great depth. It is also clear that the way Rihal views the concept of loving Hashem is very different from that of the Rambam. It is neither critical nor even worthwhile to blur the differences between their conceptions.

The difference in the grasp of the concept of Israel is also undeniable. The Rambam (Commentary on the *Mishna*) assumes fundamentally that for a person to be a complete person, he must grasp things intellectually. This connects to the Rambam's distinction between *mitzvot* of contemplation and *mitzvot* of actions and his position that if one serves Hashem without proper thought, it is as if he worships a different god. Considering this, when the Rambam stresses that whoever is not convinced there is prophecy in the world is one whose fathers did not stand on Sinai or that Hashem will not break His covenant are only things he said to deal with times of [religious] danger. This is because the Rambam posits that a person's service of Hashem is in his intellectual side and not in the attributes he inherited from his forebears.

In contrast, Rihal continuously talks about the innate uniqueness of Israel, which comes to them as an “inheritance from their forebears,” and that this is the main thing, in contrast to intellectual achievement, which is of secondary significance. Obviously, there are differences, and I just noted that we pointed out the disagreements without deciding which opinion is to be accepted.

I wrote that the need for laborers, soldiers, and great scientists is positive, and you deduced from this that “there is no problem whatsoever for a person to not dedicate himself to Torah study.” By adding on to what I said, you caused a distortion. I only said that the world is built on dividing tasks between different people, and since Hashem built on this assumption, the situation is a preferred one. Clearly, all the professions that enable people to be steeped in Torah study are critical for the world, and the fact that people enter such professions, is according to the divine plan for the world's development. This is what the Rambam says on the question as to why the world has people who cannot reach intellectual achievement. The answer is that they are needed to provide things for those who are capable of the achievement. In other words, we are to view the world as one in which people are acting according to the set plan.

Therefore, there is no contradiction between the matter of the world and the question of the individual. It is better to be the unique intellectually achieving person than to be one of the many who are made to provide for him. Yet, for each of the people there is a positive purpose. The main difference is whether we look at simple laborers as those who are damaging the world (see Shabbat 33b) or people who deserve mutual respect (see Berachot 17a). Should Torah scholars stay secluded, concerned about themselves, and look down on others in a disapproving and haughty way? Or, should the scholars see themselves as responsible for the whole community and appreciate those who are helping provide for them. This is what I meant.

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

P'ninat Mishpat

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

(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 his own mistaken underpricing. Pl refused, and def stopped the work. Pl demands a return of money that exceeded the work done and compensation for building flaws.

Ruling: [After seeing that pl was correct regarding the “heart of the claim,” we are in the midst of exploring multiple smaller questions.]

Scaffolding: Def wants extra pay for having built a scaffold to build a balcony off of the living room, even though at the end it was not used because neighbors prevented it. Pl counters that def did it on his own. There is communication between def and pl's son, who was authorized to represent his mother, in which def did initiate the change of the place of the balcony and expressed his expectation the neighbor will agree. What is important is that at the end, the son agreed to the change. Therefore, even if pl did not end up gaining anything from this part of the work, pl still has to pay for it (see Shulchan Aruch, Choshen Mishpat 335:3).

Changes and delays: Def claims to deserve extra pay for delays that pl caused by making changes and because of new requests by the engineer. Pl responds that almost all of the delays stemmed from what turned out to be def's inexperience with a job of this magnitude; def did not complain about these things as they were occurring. *Beit din* notes that small changes and delays are a natural part of a major renovation job, and when a certain element of the work has a delay, one should be able to work on other parts of the project. Therefore, def has not made a sufficient case for an increase on his fees due to delays.

Mispricing: Def claims that he charged far too little and therefore should be able to void the contract and receive more for what he did. Also, def was unaware that due to the way the house was constructed (pre-fab), drilling is more difficult. Pl rejects def's ability to make such a claim since he spent a long time studying the job, made multiple visits, and asked for time to discuss with others. *Beit din* rules that def cannot back out of his price estimate. First, most of the fee was for work on things that are attached to the ground (see Pitchei Teshuva, CM 227:26) upon which there is no claim of mispricing. More fundamentally, pl received estimates from several contractors, and it is not tenable to allow someone to win the contract with the lowest price and then remove the obligation to follow that price.

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