



HaRav Shaul Israeli zt"l
Founder and President

HEMDAT YAMIM

Parashat HaShavua

Vayishlach , 17 Kislev 5777

All about Yatzov

Harav Yosef Carmel

Hebrew is a special language, as the Ramban (Shemot 30:13) explains so beautifully. We call it *Lashon Hakodesh* because the words of Torah and of prophecy were given in this beloved language, including invoking His holy names. In fact, Hashem used *Lashon Hakodesh* to create the world and name everything in it, including giving the names of the righteous people. Today we will look at the deep way in which the root "yatzov" is used.

The *pasuk* says that after settling in Shechem, buying a field, and pitching tents, Yaakov "erected (*vayatzev*) an altar, and he called it, Kel Elokei Yisrael" (Bereishit 33:20). The term *vayatzev* is puzzling, considering that we usually talk about building an altar (out of smaller stones), not erecting one (which implies one large stone).

The root is found several other times regarding Yaakov, in last week's and this week's *parashiot*. Yaakov saw a ladder mutzav (standing) on the ground, Hashem was nitzav *alav* (standing over him), and he erected a matzeva (monument) at the place where he received the prophetic dream (Bereishit 28:12-18). Upon returning to this holy place after the long stay with Lavan, the root appears three more times from Bereishit 35:9-15, discussing his erecting another *matzeva* for worship of Hashem. Later in our *parasha*, Yaakov erects another *matzeva*, this time on the burial place of his wife Rachel (ibid. 35:20).

We will use the thesis that we have demonstrated elsewhere, that the root *yatzov* is a hint at the revelation of the Divine Presence. Sometimes this is explicit in the context, and sometimes it is the Torah's way of hinting at this Presence. Thus, the monument on Rachel's grave is not simply a way of marking it but indicates that Yaakov established a spiritual center for service of Hashem at that holy site. Therefore, there should be no surprise when we note that the root arises in the description of Bnei Yisrael encamped at the foot of Mt. Sinai in preparation for the Divine Revelation at the giving of the Torah (Shemot 19:16-17).

The root is also used to describe Miriam standing by to observe what would happen to her baby brother, Moshe (Shemot 2:4). Bnei Yisrael are likewise nitzavim in unison before Hashem to enter the covenant together. In next week's *parasha* as well, the sheaves that represent Yosef and his brothers stand up (Bereishit 37:5-7). With that account, Yosef was telling his brothers that his special relationship with his father did not just find expression in his special cloak (*ketonet passim*). Rather, he inherited his father's ability to receive prophetic dreams in which Hashem reveals Himself, as is hinted by the root *yatzov*.

Let us pray that we too will merit to all stand before Hashem and receive a Divine Revelation through which much light will chase away the darkness that surrounds us.

Refuah Sheleymah to Orit bat Miriam

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Ask the Rabbi

by Rav Daniel Mann

Refusing Permission to Take Unwanted Things

Question: I am serving in the army, and I witness a lot of things being thrown out, whether it is food or other items that they no longer have use for. If I am confident that something is going to be thrown out, but it has not yet been done, can I take the item for myself in a manner that is against the rules? My understanding is that they object to people taking such food out of fear that someone will get sick from the food and sue. Regarding objects, I understand that if people get used to taking things that are about to be discarded, some will take certain things that are not really about to be discarded. However, if I am convinced that it is a time that they do not really want the items for themselves, is it forbidden to take them? Please provide sources to prove your point.

Answer: First, let's set ground rules for our answer. The army has the right to make rules of discipline, which we join them in expecting soldiers to obey just because the army is a place that requires discipline. We are not dealing with the real possibility the actions described are prohibited on those grounds (for that, you can inquire in the army). We are also answering theoretically based on the assumptions raised in the question and do not intend to rule about specific cases.

All the objects in question were, at some point, fully owned by the army for the purpose of using them on their terms, and we are discussing objects that will end up in the garbage in a way that they will become *hefker* (ownerless). There are two justifications for using such objects before they are disposed of:

1. The owners give permission. It is a good question if permission has to be explicit or can even be assumed (see Machaneh Ephrayim, Gezeila 2). Presumably, if an owner says he does not give permission, then he does not give permission, even if one believes he is not losing anything (Rama, Choshen Mishpat 363:6). Granted, there is a concept of *kofin al midat S'dom* (we may force a person to allow someone to technically infringe on his ownership rights when failure to allow is immoral (Bava Batra 12b)). According to many, in a case the person can be forced, one who wants to use the object can take it on his own accord (see Rosh, Bava Kama 10:16). However, when there is any semi-plausible reason that the owner might lose out by his object being taken, it is forbidden to do so, even if it is only due to concern of what might possibly happen and even regarding indirect damage (see K'tzot Hachoshen 154:1). The reasons you cited suffice.

It is plausible that an entity such as the army might not give permission to others to take their food not because they really don't give permission, but that it is a disclaimer in order to protect them from being sued if someone gets sick. That would change the picture, but we will not try to conjecture if that is the case here.

2. The object has become *hefker* (ownerless). In general, an owner needs to make an actual declaration in front of others in order for his property to become *hefker* (Shulchan Aruch, Choshen Mishpat 273:3,7). However, in a situation in which it is clear to the observer that the owner has no interest in keeping the object, no *hefker* procedure is necessary (see Pesachim 6b). This is on the assumption that the specific owner does not mind if someone takes it (*ibid.*). If, though, he does not let others take it, it is not *hefker*. One who sees a situation where the clear expectation of the objective observer is that the owner no longer is interested may take it and does not need to be concerned that this owner is different (S'fat Emet *ad loc.*). It is even possible that even if the owner, for some strange reason, does not want others to take it (yet), his strange outlook is not halachically significant, and one may treat it as *hefker* (*ibid.*). However, in the case you talk about, there are rational reasons for him to not want others to take it, the objects are not *hefker* before some process of *hefker* has occurred.



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Ein Ayah

(from the writings of Harav Avraham Yitzchak Hakohen Kook, z.t.l.)

Vayishlach

Appreciating the Contributions of Others

(condensed from Ein Ayah, Shabbat 2:285)

Gemara: "Yaakov encamped by the entrance of the city" (Bereishit 33:18). Rav said: He instituted for them a currency. Shmuel said: He instituted for them marketplaces. Rabbi Yochanan said: He instituted for them bathhouses.

Ein Ayah: The way to increase the highest-level ethical approach to society is by consistently viewing the interrelationship between people. One can look at his counterpart's existence as being helpful to him or that his presence infringes on his own ability to obtain for himself what he needs. The latter approach is a mistake, one which causes undeserved hatred, competition, and impatience between individuals and between countries.

The correct, deep outlook is that the more people there are, the more they are able to help each other by exchanging capabilities one with the other, so that one can benefit from that which his counterpart produces. The more this recognition is revealed and prominent, the greater the feeling of love and kinship that will exist within human society. This, in turn, brings the greatest good that exists in the world.

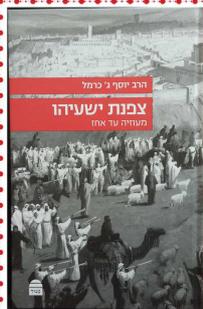
There are three basic ways to strengthen the impression that people are positively influenced by their counterparts. One way is to increase the regularity of situations which cause one to realize his interrelationship with others. These relationships changed significantly with the advent of currency. Before that time, when the barter system was used, one knew that he could benefit from what his friend produced only if Reuven needed what Shimon produced and Shimon had an interest in what Reuven produced. If there was no such overlap, one would not feel any benefit from the other. Things changed when there became currency that was widely accepted as legal tender. When one has a product, he can be confident that he can sell it for currency, which will enable him to receive that which he desires from what others have produced. Since this occurs on a regular basis, he feels more strongly the love toward others.

The feeling of love for others widens when he sees that he can benefit not only from those with whom he interacts more regularly and is used to. Rather, he realizes that if he is able to use his wisdom to produce something of broader appeal, people will gather from far and wide to obtain his products, thus bestowing great blessing upon him. This is the function of marketplaces.

However, all of these will be of value only if one's emotions are developed for goodness and purity. This increases his desire for more things, which will then make him a beneficiary of more people. This feeling begins from an expansion of the idea of cleanliness and purity which emanates from the institution of bathhouses.

All of these elements of social life were envisioned by Yaakov Avinu, who brought them to the people of Shechem. This bringing together of people was the opposite of the event that would occur there hundreds of years later, with the division of the Kingdom of the House of David, which occurred because people did not bother to integrate material success with moral and intellectual success. Yaakov, the unblemished person, was unique in that he came in a complete manner.

The actions of the fathers are a sign for the descendants. We need to bind together all the skills in order to use this wholeness to sanctify Hashem's Name, which is *Shalom* (meaning peace and also completeness). "They will sanctify the Sacred of Yaakov, and the G-d of Israel will be extolled" (Yeshaya 29:23).



Tzofnat Yeshayahu- Rabbi Yosef Carmel

The Prophet Yeshayahu performed in one of the most stormy and dramatic periods of the Israeli nation's life, a period of anticipation for the Messiah that was broken by a terrible earthquake, and also caused a spiritual and political upheaval. The light at the end of the tunnel shone again only in the days of Chizkiyah.

"Tzofnat Yeshayahu – from Uziya to Ahaz" introduces us to three kings who stood at this crossroad in our nation's history: Uziya, a king who sought God but was stricken with leprosy because of his sin; Yotam, the most righteous king in the history of our people; And Ahaz, the king who knew God but did not believe in His providence.

In his commentary on the prophecies of Yeshayahu, Rabbi Yosef Carmel, Head of the Eretz Hemdah-Gazit rabbinical court and a disciple of Rabbi Shaul Israeli zt"l, clings to the words of Hazal, our sages, and to the commentaries of the Rishonim, the great Jewish scholars of the middle ages, and offers a fascinating way to study Tanach. This reading attempts to explain the Divine Plan in this difficult period and to clarify fundamental issues in faith. Tzofnat Yeshayahu reveals to the reader the meaning of the prophecies in the context of the prophet's generation and their relevance to our generation.

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P'ninat Mishpat

Responsibility for Electricity Infrastructure – part I

(based on ruling 73056 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The plaintiff (=pl), a company that produces electricity for the electric company (=IEC) from solar panels, rented rooftops to place the panels from the defendant (=def), a settlement. Def supplies electricity for their residents through bulk supply (the electric company is not connected to each home). The same electricity room and closet transfers electricity both ways between def and IEC. The involvement of IEC made it necessary to begin work before the contract was complete. IEC carried out three inspections of the electricity room, the last of which claimed mortal danger and demanded redoing the electricity closet with a threat of rejecting pl's project and shutting down def's electricity. Pl and def disagreed as to who should be responsible for the renovations, and it was decided that pl would perform them, and *beit din* would rule on possible reimbursement. Pl claims that their agreement requires def to provide electrical infrastructure and that def knew this was expected to include layouts of money. Def also benefitted from the replacement of their very dangerous electrical room with a quality one at an under-market price. Def claims that pl should have checked before beginning work that def's infrastructure was sufficient. At the time the agreement was signed, pl, which is in the field and met with IEC, were aware of the expense, while def was not. The improvements are not particularly beneficial for them, as def is in the process of phasing out the bulk supply system and will not need the electrical room. Therefore, the deal, as pl presents it, is unprofitable for def, and they would not have agreed to it.

Ruling: First, we must clarify our viewpoint on factual matters that the sides disputed, after four hearings, a visit to the site, and several professional witnesses presented by the sides. On some of the points, it was impossible to come to exact findings but to clear directions that serve as a basis for a proper compromise. [We will present only findings, not the testimonies and analysis upon which they were based.]

The electrical closet was in a reasonable enough state to pass IEC's first inspection without major condemnation and the second inspection with only moderate recommendations. Only the third inspection, after the agreement was signed, included IEC's ultimatums. It seems that there was not severe immediate danger, but that the situation was problematic enough that it was not responsible to rely upon it when embarking on a new, long-term project.

Pl, due to its expertise with electrical systems and its more direct contact with IEC, was significantly more aware of the extent of required outlays on the infrastructure to complete the project, even though they too were not aware of the full extent. That strengthens the claim that the contract should not be applied in a maximalist manner, as a broad obligation accepted by def for any appropriate expenses.

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