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המדה

Parashat HaShavua

Vayigash, 5 Tevet 5778

“Send Everyone Away” – Unity or Division?

Harav Yosef Carmel

Before Yosef revealed his identity to his brothers, he commanded those around him: “Send out every man from before me” (Bereishit 45:1). This exact expression is found in another place in *Tanach* – when Amnon was preparing to inappropriately (to speak very mildly) interact with his half-sister Tamar (Shmuel II, 13:9). What is the connection between Yosef and Yaakov’s other sons, and Amnon ben Achinoam and Tamar bat Maacha, the children of David? It can be demonstrated that Shmuel II, 13 serves as a mirror image of the story of Yosef and his brothers, as we will discuss in *Tzofnat Shmuel*. Let us start with a limited focus.

Yosef commanded everyone to leave the room to not embarrass his brothers more than necessary. In that way, he strove to turn past division into newfound unity. “He kissed all his brothers and cried upon them, and afterward his brothers spoke to him” (Bereishit 45:15). This speaking is a stark contrast to “they hated him and could not speak to him in peace” (ibid. 37:4). The haters turned into lovers and speakers. Yosef sought to conceal the sin of the sale even from his father and reunite the family. He followed the lead of his mother, who kept a secret in favor of her sister, who, she was afraid, would be embarrassed.

In stark contrast, Amnon removed other people to enable him to perform a heinous crime against his sister. This action caused a tremendous rift and dangerous hatred in David’s family. Avshalom stopped speaking to Amnon and later killed him. Avshalom then had to flee to his grandfather’s kingdom of Geshur, and David refused to see him for an extended period of time (see Shmuel II, 13:38 and 14:28). The *pasuk* stresses that the hatred in the household of David replaced love that once existed. “Amnon hated [Tamar] a great hatred, for the hatred that he hated her exceeded the love that he previously had for her” (ibid. 13:15). “Avshalom did not speak with Amnon from bad to good, for Avshalom hated Amnon” (ibid. 22).

What were Yosef’s reward and Amnon’s punishment, respectively? Every Shabbat evening, when peace in the home is a crucial goal, it is customary for the Jewish father (in some houses, the mother as well) to bless his children. The blessing comes from the one Yaakov gave to Yosef’s sons, in fulfillment of the *pasuk*, “He blessed them on that day, saying: in you will Israel say: ‘Hashem should make you like Ephrayim and Menasheh’” (Bereishit 48:20). These children were previously blessed: “They will multiply like fish in the midst of the land” (ibid. 16). In contrast, Amnon, who did not act like a brother, was cut off from the world, dying prematurely without offspring.

Chazal teach us that due to his actions, Amnon, the oldest son of David’s first wife, lost his right to be king and have children (see Sanhedrin 21a). He may be the one to whom Yirmiya (22:30) referred: “Write of this man: he shall be cut off and will not succeed in his life, for he shall not succeed having offspring, with a man sitting upon David’s throne and ruling over Judea.”

May we pray that, standing up against the world’s waves of hatred, we will succeed in strengthening brotherhood. If we can walk in Yosef’s path, we will merit the blessings of his sons.

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Ask the Rabbi

by Rav Daniel Mann

Daf Yomi During Shabbat of Aveilut

Question: [The *avel* asked in the *shiva* house; I gave the in-depth answer afterward.] I understand an *avel* may do standard learning, such as *shnayim mikra v'echad targum* (=smvt) on the Shabbat of *shiva*. Is learning *daf yomi* also permitted?

Answer: The *gemara* (Moed Katan 21a) states that it is forbidden to learn Torah during *aveilut* because Torah study brings true happiness (see Beit Yosef, Yoreh Deah 384). On Shabbat, only some elements of *aveilut* pertain – the distinction is that *devarim sheb'tzina* (activities that are done privately) apply (Mo'ed Katan 24a). *Rishonim* posit that Torah study is a *davar sheb'tzina* and is forbidden on Shabbat (Rosh, Mo'ed Katan 3:28; Shulchan Aruch, Yoreh Deah 400:1).

The Rosh and Shulchan Aruch (ibid.) say it is permitted to review the *parasha* (i.e., *smvt*). You suggest that this is because any set, regular learning is permitted on Shabbat, i.e., only a somewhat unique study is forbidden. However, these *poskim* explain their rationale as follows. Since it is obligatory to review the *parasha*, it is permitted to do so, just as an *avel* recites *Kri'at Shema* daily even though it is a form of Torah study (see Nedarim 8a). In other words, it is not seen as learning Torah but just reciting things one normally needs to recite.

Some *poskim*, starting with the Korban Netanel (on the Rosh ibid.) stress the matter of regularity over the idea that it is not normal Torah study and extend the leniency to any standard daily learning. He says that those with the practice of reviewing 18 *perakim* of *mishnayot* daily may do so on the Shabbat of their *aveilut*. The Aruch Hashulchan (YD 400:6) says that based on this line of logic, those with a set quota of learning, including of *gemara*, may partake in it on Shabbat. This certainly includes doing *daf yomi*.

However, this approach is not mainstream. For example, the Pitchei Teshuva (YD 400:3) rules that those with the *minhag* to learn *Massechet Shabbat* every Shabbat should not do so during *aveilut*. The difference is that people are not obligated to take part in this specific Torah activity on Shabbat. (See (Beit Yosef, YD 393 in the name of the Kol Bo; Badei Hashulchan, YD 400, p. 401-3) the parallel discussion of whether an *avel* should recite *Bameh Madlikin* on Shabbat. On the one hand, it is a standard part of the *siddur*; on the other hand, it is Torah for which there is not an obligation, but a weaker *minhag*, to recite.)

There may sometimes be different grounds to allow taking part in *daf yomi* on this Shabbat. There is precedent to allow certain type of learning because failure to do so is conspicuous *aveilut*. The Shulchan Aruch (ibid.) implies that while an *avel* should listen to Torah reading, he should not receive an *aliya* even on Shabbat (see Taz ad loc. 1). However, if he was called to the Torah, he must go because his failure to do so on this Shabbat would be considered improper public *aveilut*. He continues with the story of Rabbeinu Tam, who ruled that since he received *shlishi* every Shabbat, he should also get it during *aveilut* for that reason. Arguably, if one regularly takes part in a public *shiur* in *daf yomi* or, actually, any other topic, he should not refrain from it on the Shabbat of *aveilut* to avoid public *aveilut*.

However, even if one usually takes part in such a *shiur*, it is hard to consider refraining public *aveilut*. Consider that the Taz (ibid.) says that an *avel* who is making a *brit* on the Shabbat of *aveilut* should not get an *aliya* because not always is the father of the *brit* given an *aliya*, even though it is standard. It is rare that someone's attendance at a *shiur* is more regular than that. If one always gave the *shiur*, maybe his absence would be starker. Even then, though, one can argue that considering that he has not had much time to prepare all week, his absence would not have to be interpreted as *aveilut*. (Badei Hashulchan 400:(75) suggests one should appraise each specific occurrence.) In short, it is almost always proper to not learn *daf yomi* on the Shabbat of *aveilut*.

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Ein Ayah

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

Vayigash

Progress at its Own Pace

(condensed from Ein Ayah, Shabbat 5:78)

Gemara: When Shlomo married the daughter of Paroh, she brought with her 1,000 musical pieces and told him: “This is what they do for this idol, and this is what they do for that idol,” and he did not criticize her.

Ein Ayah: The great spirit of the king of wisdom wanted to jump over the mountains of slow human progress, which Divine Providence “planted” for human history. He wanted to dispose of eras that can take thousands of years by accomplishing all that was necessary during his short period of rule, thus enabling the world to ascend by great strides.

Shlomo did not suffice with encompassing intellectual and practical knowledge. He knew that emotion and life itself are deeper than intellectual knowledge and that these fields must be mastered. He wanted to raise all emotional matters to the point that they can properly serve the greatness of Israel, which incorporates a divine kernel and shines brightly when it reaches its completeness. Therefore, Shlomo explored all the emotions and internal recognitions, which are finer and not as limited by the calculations of the external world as the intellectual is. That is why women have a special measure of emotions, as Hashem gave them extra insight (*bina*).

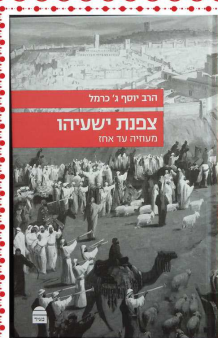
Shlomo wanted to understand the depths of human characteristics according to the many and varied nations, families, and lands and their customs. Egypt was at the summit of cultural greatness, including science and powerful emotions. In contrast to Israel, this included the coarsest and most powerfully impure forms of life, e.g., a variety of tricks to entice people to idolatry, with its impact on the spirit. Shlomo sought to know how to straighten out such crooked paths that captivate mankind’s senses and emotions, with its beguiling beauty and pleasantness, which had been used for powerful corruption.

This occurred in four spheres: 1) the practical, material perspective; 2) the scientific perspective, which stems from the combination of material realities; 3) the ideological perspective that leads practical life; 4) the ideological perspective, in and of itself (most important). Egypt was a showy society, which viewed itself as a great sea creature that lurked in the Nile, and thought its ideology was so great that it could not relate to falsehood and evil to see their purposes. Indeed these damaging, impure foundations were the basis of the evil nation/kingdom, containing the most powerful feelings of evil.

The number 1,000, beginning the fourth digit, corresponds to the perspective of ideology in and of itself. In this case (musical pieces), the 1,000 broadened itself with great pleasantness. However, it was an empty happiness that lacked internal vitality, as they were connected to idolatry, which are called *elilim* because they are hollow. This “armed,” adorned evil brings tremendous confusion, which was strongly felt at the strange marriage between Shlomo and the daughter of Paroh.

Among the great waves of the sea, even the greatest of captains can become tossed and seasick. The overdoing of emotions, one after the other, can overcome even the greatest human, as he still has, in the final analysis, human frailties. Shlomo should have criticized that which his new wife brought with her, for that would have been an expression of the strength of sanctity, which could have tamed the glow of the tendency toward evil. Protest must take on the false alleged wisdom, which does not have the right to stand on its own.

Shlomo failed to do this because Hashem was not willing for mankind to jump quickly to its final greatness. One of His days is like a thousand of our years, and we cannot count how many years He has. He alone decides when we will go forward and when we fail. That is why the wisest of all men failed, by not protesting. When Hashem has a plan, no one can undo it.



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

A Sub-par Vacation Package

(based on ruling 75110 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The plaintiffs (=pl) saw on a Chabad house's (=def) site, a Pesach-vacation package: a hotel providing kosher-for-Pesach meals for 100 euro per person; *Seder* and day trips arranged by Chabad free of charge. Pl, who was returning to Israel before the seventh day of Pesach, wanted a switch of the order of trips so they would not miss one that interested them, and the rabbi agreed to accommodate. Pl has the following complaints: the hotel's meals were sub-par, and *kitniyot* were served at one of them; two day trips, including the one that interested them, were cancelled. The rabbi was not at the *Seder* but was replaced by his brother. Pl are suing the Chabad house for 100 euro per member of the family. Def responds that vacationers do not pay them for anything, and they only receive a finder's fee per guest from the hotel. Therefore, def is not responsible when things do not go as hoped for. The rabbi, who had an important personal reason to be elsewhere, is not obligated to always be present, and there was a qualified replacement.

Ruling: While the advertisement presents def as the organizer of the whole package, it is clear for a few reasons that def is not serving as a for-profit vacation provider. No contract was signed, and pl paid no money to def. The style of operation of Chabad houses in tourist locations is well-known – they provide services for free or for a minimal price and are able to continue because of donations of some participants and other Jews. Two “deals” were made.

1. The hotel – def was an agent for the hotel, from which alone it received pay. Therefore, if pl has complaints, they should sue the hotel, just as one may not sue a real-estate agent when a seller deceives the buyer [unless the agent was involved in intentional deception].

2. *Seder* and trips – def was responsible without pay. When one offers services for free, he is allowed to quit even if he cannot be easily replaced (Shulchan Aruch, Choshen Mishpat 333:5, based on the Maharik). The Gra (ad loc. 35) explains that it is because in that case no employer-employee relationship exists. Additionally, even if relying on the offer caused a loss, the recipient should have taken into account that one who provides services for free can decide to stop them at any time, and he accepts the risk.

We do find that one who causes one to make a decision based on assurances he gave can be obligated to pay even if he is not paid (see Shulchan Aruch, CM 306:6 and Rama, CM 14:5). Some say that this is because of *garmi* (semi-direct damage) (Gra CM 306:16). Some say it is based on *arev* (accepting responsibility to one who extends himself due to another's assurance, classically, when lending money based on a co-signer's assurance). However, it is not possible to apply this here, as overall pl did not lose based on the assurances; he just did not gain as much as he had hoped. It is amazing that pl is suing for the entire amount he paid for the package, as if he received no benefit from the hotel and the services he received from the Chabad house.

Therefore, def is exempt from paying.

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