



HEMDAT YAMIM

Parashat Hashavua

Vayechi, 14 Tevet 5782

More on Sales and Family Repair

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Harav Shaul Israeli zt"l
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The reunion/conciliation meeting that we saw last week returns in our *parasha* for a "second edition." The crying is renewed, and the question of how to repair the torn fabric of Yaakov/Yosef's family is back on the table in full force after Yaakov's death and the brothers' suspicion that Yosef is prepared to take revenge.

Let us compare the language of the two relevant conversations. In the first one, the brothers start with the offer/request that they will be Yosef's slaves, and then when he reveals his identity and tells them that he is their brother whom they sold into slavery and cries, he consoles them with his contention that this sale brought about their survival during the famine (Bereishit 45:2-5). In our *parasha*, they again offer to be slaves and Yosef again cries, but while Yosef placates their greatest fears, he does say that the brothers had thought in an ill manner about him (ibid. 50:17-20).

Although the two episodes share fear, crying, and putting a somewhat positive spin on the family's history, there are differences. The second one does not mention the sale of Yosef, but, on the other hand, there is more focus on the brothers' bad thoughts than on the salvation that came about. The idea behind this is that while the sale itself was atoned for by Yehuda's willingness to be a slave instead of Binyamin, the brothers' intention to remove Yosef from *Eretz Yisrael* and from Yaakov's family was not fully resolved.

This matter is actually resolved in a third meeting between the brothers, at the end of *Sefer Bereishit*, as Yosef was preparing to die. At that time, Yosef prophesies that at some time in the future, the family/nation would leave Egypt, and Yosef makes them swear that they will return his remains to *Eretz Yisrael*, in which he has a double portion (ibid. 50:24-25).

In Yosef's dreams, in the beginning of *Parashat Vayeishev*, Yosef stresses that he is a successor of the patriarchs, Avraham, Yitzchak, and Yaakov, who prophesied through dreams. For that reason, he was fit to inherit the Land that Hashem gave to them. When the brothers sold Yosef into slavery and to Egypt, they in effect denied both of these contentions. Yaakov promises Yosef that he would in fact receive a double portion in the Land, giving him a status of a firstborn (ibid. 48:21-22). Yosef passes on word of this status to his brothers and makes them swear that they will return him to *Eretz Yisrael* from where he was kidnapped and removed. Fulfillment of that oath will repair the damage of the sin. In that way, the brothers recognize Yosef's leadership in all aspects. This mends the tear that began with the horrible moment of the ripping of Yosef's special coat.

There is no liberation without internal peace within the nation.

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



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Ask the Rabbi

by Rav Daniel Mann

Men Lighting Early in Yerushalayim

Question: Should single men in Yerushalayim light 40 minutes before sunset like women do?

Answer: There are varied indications whether *hadlakat neiros Shabbat* is to honor (*kavod*) the upcoming Shabbat and/or maximize enjoyment (*oneg*) of the day (see Rambam, Shabbat 5:1 and 30:5; Living the Halachic Process VI, C-17). Seemingly, there is no gain in these regards to light well before Shabbat.

There is a *machloket* as to whether *hadlakat neiros* includes implicit acceptance of Shabbat (Shulchan Aruch, Orach Chayim 263:10). Ashkenazi women accept Shabbat with the lighting unless they make a condition to the contrary (Rama ad loc.). Therefore, early lighting causes early acceptance of Shabbat, which is likely laudable for enthusiasm about Shabbat (see Igrot Moshe, OC III:38). It may also help avoid the remote chance of violating Shabbat, considering the opinion of the Yereim that Shabbat begins around a quarter hour before sunset (Mishna Berura 261:23), the different ways to determine sunset, and the chance of making a mistake about the time. While *tosefet* (adding onto) *Shabbat* is required, a few minutes is plenty (Shulchan Aruch, OC 261:2). So why do 40 minutes, when most of the world does 18-20? Some suggest that it is based on the most stringent way to calculate the Yereim's approach (see Orchos Shabbat 33:(74); Magen Avraham 261:9 with Machatzit Hashekel).

Most Sephardi women do not accept Shabbat with *hadlakat neiros* (see Yabia Omer, II, OC 16). Ashkenazi men generally do not accept Shabbat with the lighting (Mishna Berura 263:42), which is important if they still need to *daven Mincha* (ibid. 43). If the 40 minutes has to do with accepting Shabbat, then it logically would not apply to men or to women who do not accept Shabbat at that time (indeed Yalkut Yosef, OC 261:45 shows that Sephardi women of Yerushalayim did not and do not need to light then).

Rav S.Z. Auerbach is cited (Orchos Shabbat 33:(74)) explaining *minhag Yerushalayim* as being done to give husbands time after their wives' lightings to go to *daven Mincha* and accept Shabbat with *Kabbalat Shabbat* before sunset. (We will not analyze every conjecture about the reason.) Logically, then, a man lighting would want to light early enough to accomplish those things, and the *minhag* would apply to him. However, Shemirat Shabbat K'hilchata (46:(20)) says in Rav Auerbach's name that the *minhag* does not apply to men. The author's son explained the rationale to me. Whereas a *minhag* was enacted to encourage women to light when their husbands are home while they could still do a pre-sunset *Kabbalat Shabbat*, a man lighting can see what time works for him. It is possible to disagree with this logic.

There may be another reason for men to light at the same time as women. Ashkenazi women light before the *beracha* because they accept Shabbat with the *beracha*, which makes it forbidden to light. The Be'ur Halacha (to 263:5) brings a *machloket* whether we say that since men do not accept Shabbat then, they should make the *beracha* first, like most Sephardi women. The reason to disagree (see also Maharam Shick, OC 119) is *lo plug* (we do not distinguish between people despite the logic to do so). Regarding the time of lighting, too, it makes sense for everyone to light at the same time. The Minchat Yitzchak (IX:20) seems to assume that men also light early in Yerushalayim. While there is sometimes concern about lighting **too** early if one is not accepting Shabbat, this is not a problem if it is the standard time that others are lighting (Orchos Shabbat 33:(84)).

In conclusion, there are weak indications, a handful of varied sources, and no strong *minhag* on the matter. The 40-minute period is generally not an absolute requirement. (Although the Mishna Berura (262:11) says that if a woman is late in lighting, her husband should light, Rav Neventzal (B'yitzchak Yikarei ad loc.) clarifies that this is only when sunset is approaching.) We recommend that you try to light around the same time as other Yerushalmim but not to feel as strong an obligation as women do.

Do not hesitate to ask any question about Jewish life, Jewish tradition or Jewish law.



Igrot HaRe'aya - Letters of Rav Kook

Incorporating Secular Studies in Rabbinic Curriculum - #77

Date and Place: 9 Sivan 5667 (1907), Yafo

Recipient: Rabbi Shem Tov Geffen – kabbalist, philosopher, mathematician, and friend of Rav Kook, who had recently made *aliya* and was living in or near Yafo.

Body: I have received your letter, and most of what you wrote is in line with my thinking.

Regarding your program [of incorporating secular studies into a yeshiva setting], I certainly have a great desire to increase the light of general studies among the elite few, who are special in their Torah and their fear of Heaven, especially those who live in the Holy Land.

Our main goal should be to have true, full-fledged Torah scholars, as in previous times. In order to have the broadest level of *da'at Torah* (Torah-based or Torah-inspired wisdom) it is necessary to possess all important types of knowledge, including *medumah* (ed. note – I do not know how to translate that word in this context). Therefore, it is necessary to show the path forward for future Torah leaders as to how to use every discipline of knowledge in order to embellish the reach of the Torah.

For this purpose, it would be worthwhile to establish a program of studies with a short explanation of the content of every discipline (among those that are not well known among the masses) and to demonstrate how they can be used regarding certain Torah disciplines. In that way, the general knowledge can broaden and clarify the Torah approach.

In truth, the completeness of a person's humanity is good and desired in and of itself (which makes much of the secular knowledge valuable in its own right). However, we should not be embarrassed by the guidance of our great Torah leaders from time immemorial, who possessed all the areas of wisdom but as "maid servants and kitchen staff" in relation to the Torah. Only when we have done this can we say that our scholars are truly the Wise Men of Israel.

However, since the separation between elements of wisdom has come into the world, the matters [of incorporating intrinsically useful wisdom] have taken on a foreign form. When other elements of impure ethics make their way into these disciplines, then the dangers are inestimable.

Therefore, we very much need to support the ancient rule that all elements of wisdom are included in the Torah, when referring to Torah in its true and broad meaning. Therefore, it is necessary to have all of the wisdoms in order to understand and broaden the Torah.

For this purpose, I plan to set the cornerstone for the *Otzar Chayim* (lit., the storehouse of life – this was the name of the *yeshiva* that Rav Kook would open in Yafo in 1909) for the nation of Hashem, who are His legacy. If you are inclined to be of assistance in this ambitious project, with the great wisdom you possess, the thesis I have set out for you can serve as a guide. If you would be so kind as to expand the program you sent me or to form another one, based on the characteristics we have discussed, it would be of great help for our activities with G-d's help. [Ed. note – apparently, he did help Rav Kook in the establishment of *Otzar Chayim*.]

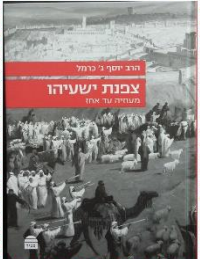
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Tzofnat Yeshayahu - Rabbi Yosef Carmel

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

Paying for Changes to Building Project – part I

(based on ruling 79127 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The plaintiff (=pl) hired the defendant (=def), a contractor, to extend his home, with a 55,000 NIS contract for the frame and 21,132 NIS for the interior. The agreement was for pl to provide all the materials and def to be paid only for work, but def ended up providing many materials, for which pl paid 44,000 NIS. After the agreement, def asked pl for a 150,000 NIS short-term loan, for which he was to receive a 2,000 NIS reduction on the contract. The loan has still not been repaid, although most of it is covered by offsetting pl's obligations to def. (*Beit din* criticized def's non-payment without permission, but pl did not request compensation for this). During the work, def asked for an increase in charges due to heightening expenses, and they agreed on 6,000 NIS. A few days later, def reneged on that agreement, claiming that pl's changes to the plans during the building require a total increase of 21,000 NIS. Pl disagrees because def's site supervisor, who suggested the changes, implied that they would not increase the cost. Also, def should not have charged for transportation of materials, which should be included in his responsibilities. Def also claims that the materials he provided, which were not in the contract, cost 56,158 (not 44,000) NIS, as they were more expensive than he had estimated. The two also disagree about whether def had promised pl that 1/3 of the fee would be without VAT.

Ruling: Added expense of materials – Since this was not in def's contractual obligation but he was asked to do so as a *shaliach* doing a service on pl's behalf, pl is required to pay whatever reasonable price def paid for it (def provided valid receipts). Only if def had overpaid would pl have a claim (see Shulchan Aruch, Choshen Mishpat 182:3).
Charges for changes – The misunderstanding occurred largely because pl interacted with def's workers rather than with him, and they suggested improvement without discussing price. On the one hand, it was wrong of def, who knew about the changes, to not inform pl of their cost, considering pl's running a tight budget on the project. Although the contract mentions price modifications for changes, they should be clear. On the other hand, charges for changes to building projects are normal, and it is not always feasible to stop the work each time to negotiate its price. The majority of the *dayanim* put the onus on def, who is the professional in this matter. On the assumption that pl would not have wanted the improvements at the price def demands, def is considered like one who did work for another without permission. Although the property owner must pay for any benefit from the work, our case is considered like that of one who tells the worker to take back his additions, who is exempt from paying (Shulchan Aruch, CM 375:6). According to one *dayan*, def should not benefit without paying anything for it, and the idea of taking back additions does not apply here because it is unfeasible here to undo what was done, and therefore 30% of this claim should be accepted.

We will continue with other elements next time.

Comments or questions regarding articles can be sent to: info@erezhemdah.org

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