



HEMDAT YAMIM

Parashat Hashavua

Vayeira, 20 Cheshvan 5784

Harav Shaul Israeli zt"l
Founder and President

The Danger of Sinful Contemplation

Harav Yosef Carmel

There is a surprising *midrash* about the background of the test that Avraham underwent with the binding of Yitzchak, which the Torah introduces with the words "It was after these matters" (Bereishit 22:1). The obvious questions are: what were these "matters" and what was their significance? One *midrash* (Yelamdenu, Bereishit 104) says that Avraham had contemplated negative thoughts about Hashem's attribute of judgment. Avraham was concerned that because he had been saved from death, he used up his reward and would not have any in the world to come. Consequently, he had to give an *oleh* sacrifice, which is appropriate for sins of the heart (with the sacrifice being his son).

Does Hashem really punish for sins of thought without a sin in action? The *mishna* (Nazir 23a) says that if a woman made a vow to make herself a *nazir*, her husband canceled the vow without telling her, and she violated the terms of *nezirut*, she is not liable for the punishment. However, the *gemara* (ad loc.) continues to derive that she still requires atonement because she planned to violate the prohibition. So the conclusion is that for sins of the heart alone there is not punishment, although there is a need for rectification.

Why, then, was Avraham "punished" for his thoughts and did he have to bind his son to an altar? The answer is that a man on the level of Avraham has to pay a price even for only thoughts that are not of the level expected of him.

We will prove this concept of holding great people responsible for thoughts from a story later in Bereishit, a section that was also introduced with the words "It was after these matters." Like his great grandfather, Yosef was also tested, not with ten different tests, but with the same test, day after day. The wife of Potiphar desired Yosef and repeatedly tried to seduce him. Yosef refused time and again (Bereishit 39:7-10). Yet, a curious *pasuk* about one of those days, when the house was mainly empty, says that Yosef "came into the house to do his work" (ibid. 11), which *Chazal* viewed as unusual language. Rabbi Yochanan (in Sota 36b) says that at that point, Yosef joined his master's wife in planning to sin.

At the end, Yosef overcame his desires and did not sin. However, he paid a heavy price for his thoughts, as after running away from her, she decided to accuse Yosef of attacking her, and as a result, Yosef sat in jail for ten years despite his innocence (Shemot Rabba 7:1). The reason is, again, that a *tzaddik* has to pay for behavior below his level, which includes by thought. This would not happen to a regular person, if for example, he meant to eat not kosher and it turned out to be kosher (although he would need atonement).

We have substantiated that the righteous must be careful about what they think. All the more so, they need to be careful about what they say!

Hemdat Yamim is dedicated to the memory of:

Eretz Hemdah's beloved friends and Members of Eretz Hemdah's Amutah

Rav Shlomo Merzel z"l
Iyar 10, 5771

Rav Reuven & Chaya Leah Aberman z"l
Tishrei 9, 5776 / Tishrei 20, 5782

Mr. Shmuel & Esther Shemesh z"l
Sivan 17 / Av 20

Mr. Moshe Wasserzug z"l
Tishrei 20, 5781

Prof. Yisrael Aharoni z"l
Kislev 14, 5773

Hemdat Yamim is endowed by Les z"l & Ethel Sutker of Chicago, Illinois, in loving memory of Max and Mary Sutker & Louis and Lillian Klein z"l

R' Yaakov ben Abraham & Aisha and Chana bat Yaish & Simcha Sebbag z"l

R' Eliyahu Carmel z"l
Rav Carmel's father
Iyar 8, 5776

Mr. Zelig & Mrs. Sara Wengrowsky z"l
Tevet 25 5782
Tamuz 10 5774

R' Meir ben Yechezkel Shraga Brachfeld z"l & Mrs. Sara Brachfeld z"l
Tevet 16, 5780

Rav Asher & Susan Wasserteil z"l
Kislev 9 / Elul 5780

Rav Yisrael Rozen z"l
Cheshvan 13, 5778

R' Abraham & Gitta Klein z"l
Iyar 18 / Av 4

R' Benzion Grossman z"l
Tamuz 23, 5777

Mrs. Julia Koschitzky z"l
Adar II 18, 5782

Rav Moshe Zvi (Milton) Polin z"l
Tammuz 19, 5778

Rabbi Dr. Jerry Hochbaum z"l
Adar II 17, 5782

In memory of Nina Moinester, z"l
Nechama Osna bat Yitzhak Aharon & Doba
Av 30, 5781

R' Yitzchak Zev Tarshansky z"l
Adar 28, 5781

Mrs. Leah Meyer z"l Nisan 27, 5782

Mr. Shmuel & Rivka Brandman z"l Tevet 16 5783/ Iyar 8, 5781

George Weinstein, Gershon ben Yehudah Mayer, a lover of the Jewish Nation Torah and Land.

R' Eliezer ben R' Yitzchak Steinberg z"l

Tamar Lichtenstadt z"l. May her memory be a blessing.

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



Eretz Hemdah
Dr. Harav Yosef Carmel, Harav Moshe Elimelech
7 Burtka St. corner of Rav Chaya St.
POB 8178 Jerusalem 91082
Tel: 972-2-5372400 Fax: 972-2-5372401
www.eretzhemdah.org

American Friends
of Eretz Hemdah Institutions
1740 Chicago Ave., 9 South Michigan Ave.
Ste. 405, Chicago, IL 60605, USA
Our Tashpover ID #: 30-4245050

www.eretzhemdah.org info@eretzhemdah.org

Donations are tax deductible according to section 46 of the Israeli tax code.

Ask the Rabbi

by Rav Daniel Mann

Pikuach Nefesh Principles, part II – Public Pikuach Nefesh

Introduction: These days, the precious need to save lives is on our minds. We will now present some of the halachic and practical underpinnings of the laws that *pikuach nefesh* (saving a life) takes precedence over almost all of the Torah's *mitzvot* and prohibitions. Now we look at the distinction between public and private *pikuach nefesh* decisions and contemplate some ramifications, especially regarding Shabbat.

Presentation: The following approach to the unique qualities of *pikuach nefesh* decisions for matters decided on a communal and especially a national level are based on the writings of our mentor, Rav Shaul Yisraeli zt"l (see Amud Hayemini, *siman* 17). Rav Asher Weiss presented the same basic approach in a question and answer session after the outbreak of the war.

As we mentioned last week, a danger can be too remote to count for *pikuach nefesh* dispensations. Let us say, for example, that the potential danger from a specific situation is only 1 out of 10,000 and that this would not qualify to justify an individual violating Shabbat. A halachically-guided police force would need to have a policy about what to do if they are called to neutralize the danger, in this or equivalent cases – do they drive there on Shabbat or refuse to do so? The policy they decide upon will be applied indefinitely, in every police station, week after week. Therefore, although any specific case is highly unlikely to cause loss of life, the cumulative effect of a decision not to drive is statistically very likely to cause loss of life. (Additionally, if criminals know the police will not come, it will increase the occurrence of such crime, which can also endanger life.) Because the decision is made by and for public policy, not on individual basis, we include all, including future, situations that are affected by the policy decision, in the equation for the halachic decision-maker to address. This will often lead him to conclude that *pikuach nefesh* applies.

An apparent fallacy of this cumulative view approach is that to save a tiny number of lives, many thousands of *chillulei Shabbat* must be performed, whereas in the decision regarding an individual case, limited *chillul Shabbat* would be needed. Rav Yisraeli responded that in the face of even one life we need to save, there is no limit on the number of people or actions involved in violating Shabbat. When the decision is correctly viewed broadly, we do not distinguish between many *chillulei Shabbat* stemming from different situation and many stemming from one.

Rav Yisraeli also explained the idea of *machshilan le'atid lavo* (see Rosh Hashana 21b; Eiruvim 44b; Rambam, Shabbat 2:23). If someone went to save a life, he may violate Shabbat (to what extent is a *machloket*) in returning so that people will agree to save lives on future *Shabbatot*. *Chazal* deemed this as a case where we should view the future danger from the reaction to a strict halachic ruling in the present as a concern to consider in the present.

How should an individual citizen act in the realm of situations like these? Certainly, one with a public role **must** follow leniencies that stem from the public outlook. For example, a soldier on guard duty must not refuse to violate Shabbat to do this, even if he is correct that the chance of a dangerous infiltrator around his post are extremely low. If he did, **the system would not work!** Even regular citizens, for example, during Covid, were required to avoid infection as instructed, even if by age/health, they were not significantly endangered by the virus, because they were endangering others. Even regarding protecting only one's own life, especially as part of a war effort, the rules of safety that citizens are **demand**ed to take as part of the home front element of the war are binding and justify *chillul Shabbat*. However, in most cases of safety recommendations for individuals (which Halacha generally views positively), Shabbat violations are not justified if the danger involved is objectively tiny and the average person is not concerned about it (I purposely avoid examples).

“Behind the Scenes” Zoom shiur

Eretz Hemdah is offering the readership to join in [Rabbi Mann's weekly Zoom sessions](#), analyzing with him the sources and thought process behind past and future responses. Email us at info@erezhemdah.org to sign up (free) or for more information on joining the group.

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

► [SEND NOW!](#)



Igrot HaRe'aya - Letters of Rav Kook

Support for Jerusalem Old-Age Home – #175 – part I

Date and Place: 5 Kislev 5669 (1908), Yafo

Recipient: Rav Naftali Amsterdam, one of the great disciples of the Mussar Movement's founder, Rav Yisrael Salanter. Rav Amsterdam moved to Jerusalem at an older age.

Body: I received your dear letter, my honored and great friend. Regarding the wonderful institution, "Gather the Dispersed," upon which your "flag flies," I thought that it is superfluous to try to strengthen it with my words. However, since I want to fulfill the will of a *tzaddik*, I will speak before the whole congregation of our nation, in our Holy Land and in all of the vast Diaspora.


There are several great and holy distinctions of this important home, where you cast your kind eye on the most deprived people in the Holy Land, namely the elderly homeless who have no one to look after them. They cannot come up with any deposit to a fund so that they can get into an institution, a practice that fortunately, has enabled many elderly to live in one of them. The money they are able to give is not enough to pay for their upkeep, which is very expensive, and they get great help from the existing old-age homes who take them in, may their workers and supporters be blessed.

In contrast, the lot of the destitute elderly is more difficult, as they do not have the ability to enter an institution because they do not have even a small amount of property. We are also referring to those who do not have any special distinction. Certainly, distinguished Torah scholars will always be accepted by the existing old-age homes, even if they are incapable to contribute anything to the institution.

Yet, the destitute we are talking about are worthy elderly people, many of whom are knowledgeable in Torah and excellent in their service of Hashem. Therefore, it is distressing that it is hard to find anyone who can help them. Their lot in life is so bitter, as they live in poverty in our holy and glorious city, to which they flocked from afar, often with great sacrifice, because of the city's holy essence and symbolism.

Therefore, who can imagine how great is the righteousness of the actions of the founders of the Gather the Dispersed Home?! It is, after all, totally dedicated to the deprived among the deprived elderly, who have been forgotten by the world. How great are the acts of kindness, which shall bring eternal credit to the good doers before Hashem, Who loves acts of kindness and dwells among the afflicted and comforts them. There is enough of a guarantee [of fine work] in that such a revered rabbi as you lends his name as a founder of the institution, so that we can be sure that everything is being done the way it is supposed to be done. This is also what was attested to by the holy letter of the giant Torah scholar, Rav Shmuel Salant (long-time chief rabbi of Jerusalem), in response to my inquiry about this great home. It is true that due to his physical state of weakness (Rav Salant was 92 at the time) he was not able to physically visit the institution, however he heard accounts about it from you, our great rabbi.

I hope that all those who know of your great reputation and righteousness, which fortunately are many, will exert themselves to the maximum to support this great enterprise, which the hands of such a great *tzaddik* as you have formed. We look forward to the time when many from near and from far will do their part in strengthening this "light post of kindness," in the midst of the city that is our pillar, which Hashem should build. Then, the institution can expand, and people from around the Holy Land who are in need can be sent there to receive respite, nourishment, and medical help, as they need.



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.

Buy Now

P'ninat Mishpat

Compensation for Transfer of Business to One Partner – part III

(based on ruling 78039 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The plaintiff (=pl) and the defendant (=def) opened a center that provides therapy for children. According to their agreement, def, who has a similar center elsewhere, was responsible for the finances and infrastructure. Pl was to serve as a therapist, be in charge of day-to-day operations, interact with parents and workers, and plan events. The business and grounds' rental were in def's name. Pl and def were supposed to get small salaries and then split profits equally after reaching "the point of balance." After three years, the level of acrimony brought them to separate, and *beit din* oversaw the transfer of the business to pl, with compensation due to def. [In the last installment, *beit din* determined that the sides were partners. This time we deal with the extent of the partnership.]

Ruling: The *dayanim* disagreed concerning the extent of the partnership.

When there are insufficient indications otherwise, we assume a partnership is equal, as the Shulchan Aruch (Choshen Mishpat 176:5) rules that even if partners give different amounts to the business' "joint pot," they share profits equally. According to *dayan 1*, this is strengthened by the fact that the agreement states that the two will share the profits equally after the "point of balance" is reached.

Here, there is reason to say that an equal split of everything is illogical, because if the partnership would dissolve after a short amount of time, the initial investment, which def provided alone, would have been lost.

According to *dayan 1*, the sides did not anticipate such a break up, certainly not quickly, and pl would have had to compensate def in that case. Since after five years, the original investment was mainly returned (see later installments) and since over that time, pl's being underpaid meant she had also invested, there is no problem to say the ownership of the center (not the overall business, which included a center owned by def) was equally owned.

Dayan 2 distinguished between three elements of the value of a business: profits, physical property, and *monitin* (intangible elements, e.g., reputation, customer base, professional connections). Regarding profits, all agree that they were supposed to be divided equally, i.e., full partnership. Regarding *monitin*, we can also assume that it was shared, as both sides contributed toward it. Regarding physical property, which def bought, that can be presumed to be owned by def alone, which explains why investments in these matters were not recorded as an "owner's loan" to the business. This is in line with the *halacha* that when the sides to a partnership contribute different amounts, if the funds are still intact, they are returned to the contributing partner (Shulchan Aruch, CM 176:5). (According to *dayan 1*, that refers to a case in which the partnership's main operation is using the funds for buying and selling.)

Dayan 3 agrees with *dayan 2* that there were not equal rights in the center. He differs in saying that this did not find expression in def owning the physical property, but rather that pl must pay def for his agreement to transfer the property to pl.

Next time we continue with other elements of the ruling.

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

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

Nir Rephael ben Rachel Bracha
Ori Leah bat Chaya Temima

Arye Yitzchak ben Geula Miriam
Yerachmiel ben Zlotta Rivka

Neta bat Malka
Meira bat Esther

Together with all *cholei Yisrael*

Eretz Hemdah is the premier institution for training young rabbis to take the Israeli Rabbinates' rigorous Yadin Yadin examinations. **Eretz Hemdah**, with its distinctive blend of Religious Zionist philosophy and scholarship combined with community service, ensures that its graduates emerge with the finest training, the noblest motivations resulting in an exceptionally strong connection to Jewish communities worldwide.