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### Patriarchs and Matriarchs = Princes and Princesses? Harav Yosef Carmel

Going through *Sefer Bereishit*, one wonders whether to look at the matriarchs and patriarchs, as heads and members of families, who only retroactively received special status when their offspring became a nation (after the Exodus), or already in their time, they were nobility or even royalty.

At first glance, they seem to be individuals, not leaders, and indeed they have to deal with challenges that affect simple people. For example, they wandered due to difficult economic times, among other reasons (see Bereishit 11:31; ibid.12:10; ibid. 26:1; ibid. 26:24, ...). They dealt with infertility and with challenges in child rearing. They dealt with strife between siblings (see ibid. 13:7-12; ibid. 16:1; ibid. 21:9; ibid. 34:30).

However, from a different and deeper perspective, they did not only act as individuals, who became the symbol for all generations of special people. Notice that their recorded communication with their surroundings was primarily with kings and other leaders. They discussed matters of national importance and even took part and led in international war.

Avraham interacted closely with Paroh in Egypt (ibid. 12:15-20). He defeated the four Mesopotamian kings and thereby freed five regional kings of *Eretz Yisrael* (ibid. 14:1-24) and drew praise from Malkitzedek, the King of Shalem (ibid. 17-18). He was approached by Avimelech of Garar and agreed to make a treaty with him. Yitzchak renewed the treaty with Avimelech. Yaakov faced up against Lavan and his militia (ibid. 31:23), and Eisav and his 400 men (ibid., *perakim* 32-33). He negotiated a settlement with Chamor, the leader of Shechem (ibid. 34:6-16). He even interacted closely with the world leader, Paroh of Egypt.

Our matriarchs, the patriarchs' wives, were princesses. The name Sarah means a noblewoman, and she was also called the *gevira* (see Bereishit Rabba 47:5), a name which is reserved for the wife and/or mother of the king (see Melachim I, 11:19). According to the *midrash*, Hagar, Sarah's maid-servant, was Paroh's daughter, who joined up with Avraham's family because her father saw Hashem's miracles to support them. Avimelech, the king of Garar, did the same thing (Bereishit Rabba 45).

There are indications from various places in *Tanach* that Ketura, the wife Avraham took after Sarah died, was a Midianite princess, whose grandchildren were heads of tribes there. The fact that Avraham took concubines at that time is a further indication of his status as a king (see Rambam, Melachim 4:4).

Along similar lines, Rivka and Rachel, Leah, Zilpa, and Bilhah, had statuses of princesses. We see this status extended to further generations (see Divrei Hayamim I, 7:14; Yerushalmi, Sanhedrin 2:3).

The Rambam describes the patriarchs' social standing as follows: "... until thousands and tens of thousands joined them, and these are the people of the House of Avraham" (Avoda Zara 1:3). Based on the above, when the people of Chet, from whom Avraham sought to buy a burial plot in Chevron, called him "a prince of (*nesi*) G-d in our midst" (Bereishit 23:6), it was not empty flattery. Rather, it is as *Chazal* described a *nasi*: "One above whom there is no one other than Hashem" (Horiyot 3:3).

May our leaders today earn the title of followers of the legacy of our matriarchs and patriarchs.

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



# Ask the Rabbi

by Rav Daniel Mann

## Forgetting R'tzei at Seuda Shlishit

**Question:** I was not sure if during *Birkat Hamazon* (=BHMZ) after *seuda shlishit*, I said *R'tzei V'hachalitzenu* or not. Should I have repeated BHMZ?

**Answer:** The rule is that one who forgets *R'tzei* in BHMZ on Shabbat must repeat BHMZ (Berachot 49b). Is that also true for one who is unsure (*safek*) if he recited it? On one hand, the requirement to mention Shabbat in *Birkat Hamazon* is only Rabbinic, making it logical to apply *safek berachot l'hakel* when there is a *safek* whether one said *R'tzei*. Indeed, regarding one who is unsure whether he recited *Ya'aleh V'Yavo* (=YVY) on Rosh Chodesh, the Rama (Orach Chayim 422:1) invokes *safek berachot l'hakel*. However, the Mishna Berura (288:16) points out that the consensus of *Acharonim* rejects his opinion because we can presume he left out YVY, as there is a *chazaka* that one who was not concentrating (a fair assumption about one who soon thereafter (see below) does not remember what he said) did not recite infrequent additions. This follows the precedent of a *safek* on what one said regarding rain-related recitations at the beginning of a "recitation season" (see Shulchan Aruch, OC 114:8).

Even if one does not accept the Rama, there are a few reasons to not repeat BHMZ in a case of *safek* if he said *R'tzei* (see Yabia Omer VII, OC 28): 1. A weekly addition is not as easily forgotten as a monthly one. 2. The different atmosphere of Shabbat makes it easier to remember *R'tzei* than YVY. 3. An extra *tefilla* done due to *safek* is not problematic (Berachot 21a), whereas for BHMZ, it is problematic. Indeed Rav Ovadia Yosef (Yabia Omer *ibid.*) rules not to repeat BHMZ in a *safek* if he recited *R'tzei*. On the other hand, Shemirat Shabbat K'hilchata (57:7) accepts the Mishna Berura that we should repeat BHMZ for a *safek* of missing *R'tzei* (if the doubt arises soon after he should have said it – see Mishna Berura 422:10).

However, there is an accepted reason not to repeat BHMZ in your case. The *gemara* (Berachot 49b) says that one who forgets YVY in BHMZ of Rosh Chodesh, as opposed to Shabbat and *Yom Tov*, does not repeat BHMZ. The difference is that on Shabbat, one must eat [enough bread to make BHMZ a necessity – Tosafot *ad loc.*], whereas on Rosh Chodesh, he need not. The Mishna Berura (188:26) explains that *Chazal* instituted that only for the special days when BHMZ is necessary are the additions to BHMZ for those days essential. Although some consider it a full obligation to have bread at *seuda shlishit*, other serious positions do not view it as a full requirement (see Shulchan Aruch, OC 291:5). Therefore, repeating BHMZ due to a forgotten *R'tzei* at *seuda shlishit* might be unwarranted, and one must not take that chance (Shulchan Aruch, OC 188:8; Mishna Berura *ibid.* 31; Shemirat Shabbat K'hilchata *ibid.*). According to most, this is true even for one who is always careful to eat bread at *seuda shlishit* because the fact that he always *bentches* is a personal decision, not an objective Shabbat obligation (see Shemirat Shabbat K'hilchata 57:(20)).

It is possible to do a type of repetition. The *gemara* (*ibid.* a) says that for one who realized he left out the addition after finishing the third *beracha* but before starting the fourth, there is an independent *beracha* for each of the respective days to thank Hashem for giving us the day. The *gemara* mentions this even regarding Rosh Chodesh, but leaves it as an unsolved question whether the *beracha* on Rosh Chodesh finishes with the *Baruch ata Hashem ...* form. This *beracha* applies also to *seuda shlishit*, and since *seuda shlishit* is likely supposed to be a real meal, the Mishna Berura (Be'ur Halacha to 188:8) advocates finishing it with a *beracha* form. However, one would not do so if he *bentches* after nightfall, as it is a doubt whether the additions are called for then, and a separate *beracha* is therefore not warranted (Be'ur Halacha to 188:10). Regarding a case that he missed this cut-off point, some allow reciting *R'tzei* during the section of "*Harachaman*" recitations, but the stronger opinion is to not do so (see Rama, OC 188:7).

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# Igrot HaRe'aya - Letters of Rav Kook

## Making Sure There Will Be a *Din Torah* – #176 – part I

**Date and Place:** Yafo, 1 Kislev 5669 (1908)

**Recipient:** Zev Gluskin, the head of Carmel Wine and the Organization of Wine Producers. This letter is a follow-up of letter #173, in which Rav Kook appealed to Mr. Gluskin to use his influence so that certain people would agree to submit their dispute to adjudication according to Torah law. Mr. Gluskin responded in a manner that Rav Kook was unhappy with, as will become evident. Apparently, there was a dispute regarding inheritance, in which a daughter, who had more need for the money than her brothers, did not want to submit to Torah law, which gives inheritance to sons and not daughters (albeit often with a need for the sons to use some of the inheritance for their sisters' needs).

**Body:** Just now, I received your respected letter, in which the spirit of the regal love for truth of a dear soul can be felt. However, I must once again request you to internalize that no system of justice in the world can ever fulfill all the demands that every individual can make of it. The rules of justice, like the laws of nature, apply broadly, which is what makes them praiseworthy and powerful. When the sun shines powerfully, it will not hold back its good light and heat from all [those who benefit from it] because it beats down at times on the head of some living thing, whether it be animal or human. The prayers of travelers are not admitted before Hashem at a time that everyone requires beneficial rain (Yoma 52b).


The only thing we can demand of judges is to have sufficient expertise in their field (i.e., the relevant laws that are the basis for the adjudication) and impeccable integrity, without any inclination toward favoritism and bribes of any form, Heaven forbid. Beyond that, it is us who must be ready to accept their judgment, if we desire to maintain our communal life, as opposed to weak and wilting life, and as opposed to the life of others (i.e., non-Jewish systems of justice), which do not present us with anything other than destruction and decay.

Woe unto us if we treat lightly the attacking of the lofty sanctum of the halls of justice, even if he “adorns” himself with the values of mercy and extra-judicial integrity. You should know that this “attribute of mercy,” which wants to take the inheritance from the son who received it according to the laws of the Torah, because of mercy on the daughter, can be taken further. Following this logic, we should claim the resources of the wealthy out of mercy on the destitute who rely on handouts. Woe unto the world if we have such “mercy,” which is, in fact, the mother of all cruelty and abomination!

The claim [presumably found in Mr. Gluskin's letter] of the superficial knowledge of the ways of the world is not unique to our religious courts. Experts in a spiritual field cannot also absorb all the practical information that impacts a case. However, good rabbis and *dayanim* should never be suspected of refusing to seek counsel from experts when they lack sufficient knowledge in a “matter of the world.” Obviously, the experts should provide only the missing information, as opposed to the whole “judicial apparatus,” which should return to its place, the hall of judgment.

It is wrong to forget the advantage we have [over other judicial systems], as we can be proud that we have righteous laws and statutes, because they emerge from He Who is Alive Forever and from His unblemished Torah. For our purposes, it suffices that we just treat our judicial ways like those of other systems. We should feel pride in our judicial system at least as people feel pride for our language and our spiritual resources. Dear gentlemen, do not attack the sanctity of justice, for justice belongs to Hashem.

*We continue from here next time.*



**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

## Compensation for Transfer of Business to One Partner – part V

(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," but pl never received profits. After three years, acrimony brought them to separate, and *beit din* oversaw the transfer of the business to pl, with compensation due to def. [We have dealt already with the nature of the partnership and the valuation of the center. Now we will discuss pl's claim that she is owed money from half of the profits until dissolution.]

**Ruling:** The sides disagree on what "the point of balance" (*nekudat ha'izun*), after which pl gets half of the profits, means. Pl says that it refers to net profit for each year, which existed some years. Def says that it is when the cumulative net profit exceeds investment in the business, which, he claims, was not reached.

In financial literature, the term is used like pl argues, thus supporting her demand for shared profits withheld. However, there are several reasons not to award her such profits.

According to two *dayanim*, neither side, who drafted the agreement, were experts in economic terminology, and the agreement's language and logic indicate that pl could not enjoy profits while def was out significant money. Apparent intention is more important than an agreement's words (see *Shulchan Aruch*, *Choshen Mishpat* 331:1-2). However, according to *dayan* 3, since def owned the physical property and was credited for it (see part III), he cannot use their purchase as an expense to lower profits. According to him, the profits were 14,051 NIS, half of which pl deserves. According to *dayan* 2, def paid for the center's physical property, does not own them, and deserves reimbursement for them before pl can start receiving profits.

According to *dayan* 1, pl does not deserve payment on profits because of her contradictory claims regarding the center's profitability. When discussing profits, pl claimed that def hid profits, which were very high. (She demanded that *beit din* obtain def's personal banking information, through which the center's finances were first handled, and then the information of def's whole company (for both centers), for later years. *Beit din* rejected that request because it would affect def's privacy, would require enormous time and resources to be impactful, and, in the absence of strong claims of fraud, was unlikely to prove anything conclusive. Since pl agreed for years for the finances to be handled as they were, she cannot now complain about it.) Yet, in discussing the center's value, regarding compensating def for giving it up, pl claimed that the center always showed net losses. If pl essentially admitted the center did not make profits, she cannot simultaneously demand profits.

Therefore, according to two *dayanim*, pl's demand of back profits are to be rejected.

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