



# HEMDAT YAMIM

Parashat Hashavua

Miketz, 4 Tevet 5784

Harav Shaul Israeli zt"l  
Founder and President

## The Children of Rachel and of Leah – Unity of the Wise

Harav Yosef Carmel

The following was the blessing of the people of Beit Lechem for Boaz and Rut at their wedding: "May Hashem make the woman who is coming into your house like **Rachel and Leah, who built, the two of them, the House of Israel**; may you be successful in Ephrata and give a name in Beit Lechem. And may your house be like the **House of Peretz**" (Rut 4:11-12).

Before we explain the bolded part of the *beracha*, we point out that Megillat Rut explains why Yaakov's *beracha* to Yehuda of a dynasty from Peretz's offspring, was delayed until the time of David. For the centuries until that time, most of the leaders came from Rachel and her children (her sons were Yosef (=Ephrayim and Menashe) and Binyamin; and Dan and Nafatli came from her maidservant). Yehoshua came from Ephrayim, Gidon from Binyamin. Yiftach from Menashe, Shimshon from Dan, and King Shaul from Binyamin. Megillat Rut confirms that the promise would soon be actualized.

The people of Beit Lechem stressed two things: A. Unity between the Sons of Rachel and the Sons of Leah is a condition for Bnei Yisrael's success. B. We will not give up on the promise of a king from Peretz.

When David, a descendent of Leah, was first anointed by Shmuel to succeed Shaul, a descendant of Rachel, he understood that success depended on partnership between the families. For this reason, David made a pact with Shaul's son Yonatan, by which the latter would be his second in command (Shmuel I, 23:17-18). Unfortunately, this arrangement never came to be because Yonatan was killed (we need another discussion for why Yonatan's children did not take his place in that regard).

An example of a successful partnership is the pair of King Uziya, from Yehuda, and King Yerovam II from Menashe. *Chazal* described the relationship as "Uziya and Yerovam were kings as one" (Seder Olam Rabba 19). The *navi* tells of their great success – each was very successful in conquest and in protecting his kingdom from attack (Melachim II, 14:25; Divrei Hayamim II, 26:6-15).

Yechezkel prophesies about the unity between the sections of Bnei Yisrael, describing how the "tree of Yosef" and the "tree of Yehuda" will become one in the hands of the prophet. This, says the *navi*, represents that, in the future, they will again fully be one nation with one king for them (Yechezkel 37:19-22).

Why, then, was Shlomo not successful in keeping Bnei Yisrael under one kingdom, as soon after his death, Yerovam started a new kingdom rivaling that of Shlomo's son Yerovam? The answer may be hinted at in our *parasha*. When Yosef impressed Paroh, prompting Paroh to appoint him as viceroy, Paroh said of Yosef: "There is none as clever and wise as you" (Bereishit 41:39). The same exact words are used to describe wisdom that Hashem promised Shlomo, except that for Shlomo he is described as the wisest who ever lived (Melachim I, 3:12). Therefore, Shlomo apparently thought that he did not need the help of a partnership with the descendants of Rachel, in this case, Yerovam. (Admittedly, the *midrash* blames Yerovam for refusing to be a second to Shlomo.)

The necessary lesson is to strive for unity and through it be successful. May we merit to see the building of the House of Israel as Rachel and Leah did.

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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

## A Mistake in the *Beracha Acharona* on Wine

**Question:** After *Havdala*, I recited quietly the *beracha acharona* on grape juice by heart, and finished it aloud for my family to answer Amen. I was caught off guard when my wife alerted me to the fact that I mistakenly finished off "... *al ha'aretz v'al peiroteha*" (instead of "*al ha'aretz v'al pri gafnah*"). I do not know if my mistake was only on the last line (I knew the *beracha* was for grape juice, and I am usually proficient at *berachot*.) Should I have redone the *beracha*?

**Answer:** (The order of presentation is pedagogically rather than logically chosen). Starting to fix the mistake within *toch k'dei dibbur* (1-2 seconds) of finishing the *beracha* (see Shulchan Aruch, Orach Chayim 209:2) would have solved your problem, but it sounds like your realization came later.

Can you assume you did the rest of the *beracha* correctly? On the one hand, you regularly make this *beracha* correctly right after *Havdala*. On the other hand, since you finished off incorrectly, there is a good chance that the mistake started earlier. We, thus, must treat the matter as a *safek* whether you were accurate in one or both of the other mentions the specific food-category. When one has a *safek* whether he recited a *beracha* on food (or, equivalently, whether he did so validly), he does not recite/repeat the *beracha* (ibid. 3).

However, it would not help if you said the other part(s) of the *beracha* correctly. A *beracha*'s concluding part is crucial, and while there is a *machloket* whether getting the end right suffices, if it is wrong, the *beracha* is invalid (ibid. 59:2; Be'ur Halacha ad loc.).

However, you did not have to repeat the *beracha acharona* because the text you recited was not so wrong. There is a rule (with exceptions) that a *beracha* that is not slated for a certain food counts *b'di'eved* when its content is also true, even when a more specific *beracha* was prescribed. The most famous application is that *Shehakol N'hiya Bidvaro* is a valid *beracha rishona* after the fact for any food. The rule also validates *b'di'eved* one who recited *Borei Pri Ha'adama* instead of *Borei Pri Haetz* (Shulchan Aruch, OC 206:1) because fruit of a tree in effect grow from the ground, because the tree itself grows there (Mishna Berura ad loc. 1).

Grapes and wine come from an *etz* (a grapevine, halachically, is a tree) and, specifically, from a *gefen* (a grapevine). Therefore, logic seems to dictate that if one recites *Borei Pri Haetz* on wine, he should be *yotzei* because the *beracha* is true – the wine came from a tree. (R. Akiva Eiger (to Magen Avraham 208:22) and Nishmat Adam (1:50:1) are among those who concur.) If so, the same is true of the *beracha acharona* (our case) – although he should have recited *Al Hagefen*, he should be *yotzei* with *Al Hapeirot* (see Be'ur Halacha to OC 208:18). However, there is actually a *machloket* – the Magen Avraham (208:22), Yad Ephrayim (ad loc.), and Aruch Hashulchan (OC 208:28) say that *Borei Pri Haetz* does not work *b'di'eved* for wine. The Yad Ephrayim explains that since wine (and bread) received a special *beracha* beyond those of their category of food, *Chazal* did not allow the *beracha* to be fulfilled with a lesser, albeit accurate, *beracha*. The Mishna Berura (208:70) cites both positions and identifies *Rishonim* corroborating each (Sha'ar Hatziyun ad loc. 67). In conclusion, he treats the situation as a *safek*, and therefore based on *safek berachot l'hakel*, recommends not reciting *Borei Pri Hagefen* afterward.

Based on the comparison between *beracha rishona* and *beracha acharona*, *safek* obviates the practical need for another *beracha* in your case. In your case, there is an additional reason to refrain from another *beracha*. According to a serious position among *Rishonim*, the *beracha acharona* on wine is supposed to conclude with "... *al ha'aretz v'al hapeirot*" (mentioning land and fruit, whereas the "fruit of the grapevine" is mentioned only earlier), and the Shulchan Aruch (ibid. 11) rules that either is fine. Therefore, you, conceivably, said the *beracha* perfectly, and even if not, it was close enough to preclude another recitation.

### "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](mailto: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.**

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# Igrot HaRe'aya - Letters of Rav Kook

## Preparation for *Shemitta* – #177 – part III

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

**Recipient:** This is a public letter to the residents and farmers of the agricultural settlements of *Eretz Yisrael*.

**Body:** [After presenting the halachic rationale behind the sale, now Rav Kook deals with the practicalities of carrying through the sale and the situation after the sale.]

In order to effectuate the sale of the fields, all who have a share in the ownership and rights of the land and its trees, will need to authorize their sale in a manner that works according to the Torah. Therefore, regarding the honorable and generous Baron Rothschild's connection to land, we have already received the authorization of his head official, who is empowered to act in any matter [relating to the land]. With Hashem's help, we will do this for all relevant communal powers who have rights in various fields and vegetation.

However, in regard to privately owned lands, or fields [with involvement of the community and/or Baron Rothschild] in which individuals also have various rights, we need those individuals or their authorized representatives to sell their parts of the land to the non-Jew or authorize others to do so on their behalf. Since such a sale is intricate in its use of halachic principles and details, not everyone can be trusted to do so properly. Therefore, we agreed that all the members of the agricultural settlements in the Holy Land should authorize in writing the members of our *beit din* to sell all of their fields and trees in the best manner we arrive at. As their agents, we will sell all of the properties in the halachically best manner for selling land in *Eretz Yisrael* to a non-Jew to remove the stumbling block of the violations of the laws of *Shemitta*. This is in line with the possibilities that exist within the Torah, which make sense to improve the situation.


Therefore, we are herein sending the authorization contract. We request of you to sign it and request of each *moshava's* council to confirm, attest to the signatures of all, signing and stamping that all of their communities' relevant members or their legal representatives have signed. In that way, we can certify and carry out the valid sale in the best way, removing all stumbling blocks and violations regarding working the land and using the produce, according to the approach that we must use in our times during the upcoming *Shemitta* year.

Realize that one can rely on the leniency based on sale of the land, which is being done on an ad hoc basis because of the tremendous need, only to keep the *moshavot* going. It allows the necessary agricultural work and selling the produce as done in normal years. However, regarding things that are not required for survival, e.g., planting gardens for beauty and planting things of little importance, which are not significant for the *moshavot's* viability, one should not rely on the leniency, Heaven forbid, as it was given only concerning great need. We should make a remembrance of the *Shemitta* year to refrain from as much work as we can without eliminating our livelihoods, and certainly from luxuries.

Regarding specifics, there are four categories of strictly forbidden work based on Torah-level law – sowing, harvesting, pruning, and picking fruit. Even after the sale, only non-Jewish workers should do these. Regarding plowing, one always needs to ask a rabbi whether a Jew can do it; it depends on the level of need. If you will have any detailed questions about the *halachot* of how to act during *Shemitta*, please let us know, and we will provide, G-d willing, a serious answer, according to our understanding of Torah law.

Any well-off person whose spirit inspires him to fulfill the *mitzva* of *Shemitta* without uprooting any laws can present us with any question, which we will try to answer in detail as needed, according to the style and language he needs. I recommend that even such people sign an authorization of sale, for a few reasons.

*Rav Kook ends the letter with beautiful wishes for Jewish flourishing in the Land and the fulfillment of all the mitzvot that are connected to the land.*



**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

## Fee for a Fired Toein Rabbani – part I

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

**Case:** The defendant (=def) hired the plaintiff (=pl), a *toein rabbani* (rabbinical court lawyer) to represent her, as she sought a *get* and favorable custody and financial arrangements. Def agreed orally to pay 35,000 NIS, with delayed payment, for pl's work until the end of the process. In the first court hearing, def's husband gave a *get*, and the foundations of custody and the financial matters were laid in the first two hearings. Def received all of the governmental child support (high due to special needs children), even though she worked and the two had joint custody. Child support was to be dealt with later. A few weeks after the second hearing, which included a tiny adjustment in custody, def, at the urging of her new boyfriend (=bf), fired pl (before being paid anything), replacing him with a lawyer (to receive 25,000 NIS plus VAT). Pl negotiated with bf, who eventually agreed to give pl 4,000 NIS in cash. Pl took the money, refused to sign a waiver of additional payment, and now demands 31,000 NIS plus VAT. Def counters that pl did very little, qualitatively and quantitatively, deserved to be fired, and also waived any right to additional pay, by accepting the 4,000 NIS payment.

**Ruling:** Pl was a *kablan*, a worker paid for the job, regardless of time invested. If a *kablan* stops working in the midst of the job, he receives the smaller of: 1) the prorated amount for the work done; 2) the pay for the whole job minus replacement cost (Shulchan Aruch, Choshen Mishpat 333:3-4). Here, the latter would leave pl with much less than he claims. However, if the employer broke the agreement **without due cause**, he must pay the higher of the two amounts (Rama ad loc.).

Because pl was not paid per result, def has to substantiate negligence or incompetence. Pl presented messages from def from after the *get* and basic agreement, expressing great appreciation of his work. We will now relate (telegraphically, in this forum) to some of def's claims of pl's deficiencies:

1) Pl refused to appeal the ruling to modify the custody arrangement. Def's response – I did not refuse, just told her she needed to give due cause for an appeal. I was fired when there was still time to appeal. Decision – Since appeal on such a small adjustment seems untenable, and the new lawyer did not appeal, we reject the claim. 2) Pl was passive in the second hearing. Response – The panel warned that the lawyers would be removed if they spoke instead of the litigants. Decision – Examination of the proceedings' minutes showed pl spoke as much as the other lawyer. Nothing seems out of line. Claim rejected. 3) Pl did not hire an actuary to check the husband's financial claims. Response – Having a client pay for an actuary is worthwhile only when serious problems arise, which had not happened as of the firing. Ruling – No proof of negligence. 4) Def was not awarded child support; Response – Child support was set to be determined later, and could be retroactive. In the meantime, def received full government child allocation. Ruling – People can disagree about pl's achievement, but there is no sign of negligence.

In summary, we find insufficient grounds for the firing.

*We continue next time to determine how much pay pl deserves.*

Comments or questions regarding articles can be sent to: [info@erezhemdah.org](mailto: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  
Together with all *cholei* Yisrael

Neta bat Malka  
Meira bat Esther

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