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Parashat HaShavua

Vayechi, 12 Tevet 5778

The Missteps of a Great Man

Harav Yosef Carmel

Our *haftara* deals with the instructions David gave Shlomo, including general advice and specific directives regarding how to deal with certain people. One had to do with Yoav ben Tzruya, David's nephew and a key member of his inner circle throughout his career.

The language of David's portrayal of his grievances against Yoav is perplexing. "You are also aware of that which Yoav ben Tzruya did to me, which he did to two generals in Israel, to Avner ben Ner and Amasa ben Yeter, that he killed them and put the blood of battle within peace ... he should not die in peace in old age" (Melachim I, 2:5-6).

In the past we discussed the phrase "put the blood of battle within peace." This time we will discuss the unclear opening phrase, "that which ... did to me." We know what he did to Avner and Amasa, but what did he do to David?

Rashi (based on the Midrash Tanchuma) explains that Yoav's misdeed to David had to do with the death of Uriya. When Uriya was left to fight alone against the *Amonim* and was killed, the other officers were furious at Yoav for the betrayal/blunder. To clear his name, Yoav showed them the letter from David, which commanded Yoav to act in that way. This publicizing of David's very private and damaging communication was his betrayal of David.

The Ralbag says that Yoav's sin against David was in killing the rebellious Avshalom, despite David's instruction to spare his life, followed by Yoav's rebuke of David for objecting to Avshalom's death. Thus, it was this killing, in addition to those of Avner and Avshalom, that David took personally. It is difficult that the names of the other victims are mentioned and Avshalom is not. The Radak says that the murders of Avner and Amasa were the sin to David, as it made David look bad after he reached an agreement with each of them.

I wish to humbly suggest a different possibility. According to the *midrash*, Yoav showed the officers David's instructions about Uriya only after there was great, undeserved dissent against Yoav. If one studies the *p'sukim* carefully, he can see that Yoav did not follow David's instructions in this matter. Yoav did not abandon Uriya but risked his life along with Uriya, repelling an attack the *Amonim* initiated. Still, Yoav was upset with David because of the letter, and he decided, at the time, to rebel against David and depose him. That is why he showed the letter to his leading officers, as the *midrash* relates, but before Uriya was killed. Later on, Yoav decided not to rebel. Shlomo and Benayahu understood that Yoav's criticism of David was well-founded, and, therefore they killed Yoav because he killed Avner and Amasa, not for a direct sin toward David.

The idea that Yoav considered rebellion against David finds expression in a *pasuk*: "Word of the matter came to Yoav, for Yoav had 'leaned' after Adoniya and did not 'lean' after Avshalom" (ibid. 28). The *gemara* (Sanhedrin 49a) derives from these words that Yoav leaned toward following Adoniyahu but did not follow him.

Let us pray to merit army officers and leaders like Yoav – people who sanctify Hashem's name in their lives and are "buried ... in the desert" (Melachim I, 2:34) – as the *gemara* says: "Just like the desert is free of theft and promiscuity, so was Yoav's house clean from theft and promiscuity."

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Ask the Rabbi

by Rav Daniel Mann

Is Raising Children a *Mitzva*? – part I

Question: Is it a *mitzva* to care for one's own children: feeding, changing diapers, getting them to bed, etc.? If so, what is the source? Does it apply equally to men and women? If it is not a *mitzva*, wouldn't any *mitzva* take precedence over such activities?

Answer: I imagine your question is about how to explain the phenomenon that we spend time raising children that we could be spending on various *mitzvot*. The fact that all normal Jewish (and non-Jewish) families will continue toiling over their children is a given. Your question presents a wonderful opportunity to (telegraphically) discuss basic principles of *avodat Hashem* before looking at the specific sources you seek.

Mitzvot are the highlights of our life, into which we need to learn how to incorporate undeniable realities, both mundane and special. Hashem made the world in such a way that we must eat, sleep, go to the bathroom, bathe, etc. These are not *mitzvot* in the classic sense, but Hashem certainly wants us to partake in them. They are so obviously a part of our life that they **do not need** to be commanded.

Let us illustrate with a famous *pasuk* – the source of the *mitzva* to recite *Birkat Hamazon*. “You shall eat and you shall be satiated, and you shall bless Hashem your G-d for the good land He gave you” (Devarim 8:10). The *pasuk* contains three grammatically identical verbs. Why did *Chazal* not derive a *mitzva* to eat and one to be satiated? The answer is that we eat enough food because that is normal for a person, which Hashem created us to be. If we need confirmation that Hashem wants us to do this and not be ascetics, note the *p'sukim* from the second section of *Kri'at Shema* (Devarim 11:13-15). We keep the *mitzvot* of the Torah, Hashem brings rain, and our crops grow and are harvested. This section describing the ideal situation ends with “you shall eat and be satiated.” Similarly, when one is busy with work, another proper non-*mitzva*, he is exempt from constant involvement in *mitzvot*, whether learning Torah, visiting the sick, etc. (see Orach Chayim 156).

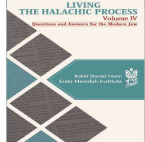
What is the Torah perspective on supporting children? A father (not mother) is required Rabbinically (not by Torah law) to support his children when they are small (see Ketubot 65b; Rambam, Ishut 12:14). So until the Rabbinical institution, did the average father not support his family? Consider the Torah-derived law (see Rashi, Shemot 21:3) that an *eved ivri's* master must support his slave's wife and children, obviously because the father/family breadwinner is at work all day for the master. But why should the master be required by Torah law to support them in lieu of the father when the father is only obligated Rabbinically? The answer is that the Torah left it to fathers to support their families because they are normal human fathers, and the Torah trusted that this would be the rule. The Torah expects a mother, who is technically not obligated, to provide food for her children if they do not have a father doing so. In the animal kingdom, they do this based on instinct; in humanity, the instinct is augmented by basic G-d-given morality.

The Torah expects parents to be involved with their children's various needs, which is nobler and harder to delay than other needs. This justifies taking care of children before even such *mitzvot* before which it is forbidden to eat or work (see Shulchan Aruch, Orach Chayim 89:3; we do not find such limitations regarding caring for children). It justifies not pursuing other *mitzvot* that are not clearly incumbent upon us. (We hopefully learn a proper balance from our wonderful parents' example.) Only if one has earned a deep relationship with his children can he expect success in raising them with a Torah lifestyle, which is the Jewish way since *Avraham Avinu* (see Bereishit 18:19). How the responsibilities of providing all of a child's material, educational, and emotional needs are broken up between two parents, sometimes with help from their families and the community, depends on the time, place, and the individuals' circumstances.

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

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Ein Ayah

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

The Dangers of Compromising the Wall of Separation

(condensed from Ein Ayah, Shabbat 5:79)

Gemara: At the time that Shlomo married the daughter of Paroh, Gavriel came down and set a stick in the sea, and a sandbank developed, upon which the great city of Rome was built.

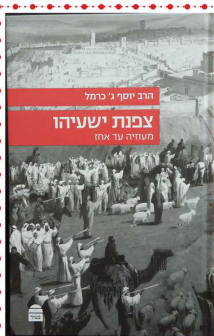
Ein Ayah: Something which is totally good has nothing that opposes it. The fact that there is opposition in the world, whether it be in philosophies or in practical life, is because even good things have at least a small element of evil and loss. This can be due to the lives of those who are recipients or participants in the matter or for a variety of other reasons. That is why there is always a clear opposition which casts aspersions on the good matter because of the bad in its midst. Once the opposition exists, it impacts even the good elements, which causes all the complication in life.

Had Israel remained intact, with its own character and origin, no evil and destruction would have clung to it. It would not have needed an internal or external opposition to its course. However, things changed when external philosophies and ways of life entered the nation. These outlooks and customs were intrinsically bad, connected poorly to the Jewish nation, and made it extend beyond its normal characteristic and nature. This destroyed the good and straight order of life, the good heart, and the pure spirit that was in tune with the divine. At that point, by necessity, an opposition to Judaism in general had to develop.

Rome possessed the quality that made it fit to serve as a whipping stick to exile and destroy Israel due to its different approaches to things, which appear to be spiritual. This came from the nature of its opposition to Israel on the level of outlook already from the beginning of its national existence. The matter started with Shlomo's marriage to the daughter of Paroh, which officially opened the door to the incorporation of foreign influences into the nation. While Shlomo's intentions were positive, extremely foreign matters infiltrated and caused intrinsic lackings. This led to opposing matters on the spiritual level. In truth, the opposing point has only a small fundamental kernel that relates to a weakness in the nation that arises from the exposure to the foreign influence. Had the opposition not come from something that contains deep wickedness and falsehood, it would not have spread, but would have impacted in a place where the existence of opposition would have been positive.

However, that which the daughter of Paroh brought in caused the development of a sandbank into a city. "I got a little angry, and they intensified it for bad" (Zecharia 1:15). The sandbank grew into hatred, evil, false incriminations, philosophical depravities, and idolatry. The origin of this opposing power came from the sea, referring to the general righteousness, but the foreign influence caused lowliness. Bnei Yisrael were at a point where even holy things which came from "pure water," from the storehouses of Torah, picked up a negative form by certain people. This allowed idolatry to infiltrate in a manner that was dangerous for the nation.

The internal element in the waves of nothingness caused the development of a sandbank. The stick, while thin and flimsy, expanded greatly despite lacking a foundation. Upon this, the great city of Rome was built. This was the place from which where the opposition that destroyed our Land and Temple came. This turned into a source of constant opposition, bringing much evil and persecution. They were able to do this because they seized a small portion of spirituality from the sparks of light embedded in the dark clouds, which they came upon from exposure to the lights of Torah and prophecy. All of this came about when the power of intermixing and the destruction of the wall that separated between Israel and the nations began to increase – when Shlomo married the daughter of Paroh.



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

Return of Rental Checks

(based on ruling 75111 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The plaintiff (=pl) rented the defendant's (=def) apartment for 2,000 shekel a month, starting from Aug. 2013, and gave twelve postdated checks and a security deposit for the payment. The recipient name of the checks was left blank because *def* planned to sell the apartment shortly and transfer the rental checks to the buyer. *Def* sold the apartment in the winter and passed on the checks to the lawyer working on the sale to keep in escrow and transfer to the buyer when the transaction was complete. The final sale was delayed, and the checks remained in escrow. Therefore, *def* asked *pl* to pay him rent in cash for Jan. and Feb. without returning any checks. Instead of telling the truth, *def* told *pl* that he could not find the checks, and *pl* paid. The buyer used the security check (1280 shekels) to receive payment for the part of Feb. 2014 that, according to the buyer, the apartment was already his. *Pl* demands the amount he double-paid be returned and that *def* should present him the checks for Jan. and Feb., which are still in escrow, so that *pl* will no longer be in danger of having more money taken from him.

Ruling: During the hearing, *def* admitted that *pl* had paid an extra 1,280 shekels due to his actions and promised to return them. Regarding the checks, *beit din* urged him to take steps to have them returned. Alternatively, he should receive a letter from the lawyer who is handling the escrow to explain what, if any, open issues remain between *def* and the buyer and whether there is any possibility that those checks will be used. *Def* did not do either, something which *beit din* finds disturbing.

Our case is similar to the discussion in the Shulchan Aruch (Choshen Mishpat 61:11), in which a borrower paid and the creditor refuses to return the loan contract. He rules that the creditor can be put in *cherem* until he agrees to return it. The Shach (ad loc. 15) says that if the borrower demands the document back, *beit din* can force the creditor to give it. In this case, too, *def* is in possession of both the cash payment and (through the escrow in which he put them) checks that can be used for another payment. *Def* cannot claim that it is out of his control because if he solves the issues between him and the buyer, the escrow will end.

We do find that if the creditor says he lost the contract in a manner that *beit din* believes, we can make the borrower pay without getting back the contract (Shulchan Aruch, CM 54:8). However, in this case, *def* lied when he said the checks were missing. Therefore, *def* has to either get the checks back or return the 4,000 shekels to which they correspond. *Def* has 14 days to return the checks, after which time he will be demanded to pay *pl* to protect him from danger (within 30 days).

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

David Chaim ben Rassa

Lillian bat Fortune

Yafa bat Rachel Yente

Eliezer Yosef ben Chana Liba

Yehoshafat Yechezkel ben Milka

Ro'i Moshe Elchanan ben Gina Devra

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