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HEMDAT YAMIM

Parashat HaShavua

Ki Teitzei, 14 Elul 5778

“So that His Heart Not Be Elevated above His Brothers”

Harav Yosef Carmel

Our *parasha* starts with *halachot* that come about by going out to war. It is the king who is involved in the decision to fight and leads the nation into it. Such power can lead its possessor to conceit. That is why the Torah dictates laws whose purpose is “so that his heart not be elevated above his brothers ... and so that he shall have many years in his kingship, he and his sons in the midst of Israel” (Devarim 17:20). This shows that a candidate for kingship can fall if he is guilty of the sin of haughtiness.

Let us test this matter by looking at the choice of David as king from among his brothers, the sons of Yishai.

Shaul failed as king, and Hashem told Shmuel that since He was “disgusted” by Shaul, Shmuel was should go to anoint a new king for Israel. Hashem sent him to the house of Yishai, “for I have seen among his sons a king for Me” (Shmuel I, 16:1). The term “disgusted” indicates that Shaul had generally been fit for the job but that something arose that disqualified him.

When Shmuel arrived at Yishai’s house, the first candidate that was presented to him was the firstborn, Eliav. Shmuel was keenly impressed and declared: “Just, before Hashem, His anointed [is standing]” (ibid. 6). Rashi explains that this meant that Shmuel perceived him as fit to be king. Hashem responded to Shmuel harshly: “Do not look at his appearance and the highness of his stature, for he I am disgusted by him; it is not what man sees, for man sees [that which his] eyes show him, but Hashem sees into his heart” (ibid. 7). The term “disgusted by him” should again indicate that Eliav generally had the suitability but that something disqualified him.

What was wrong with Eliav? Also, how could a great prophet, known as “the seer” be guilty of such a misstep, as to judge things only externally? There are different approaches in *Chazal* and in the commentaries. Since they generally do not focus on the level of the reading of the text, we will take the liberty of suggesting another answer.

We will work with the assumption that Shmuel was indeed employing the skills of a prophet when he was impressed by Eliav. It was not what we would call external, physical attributes that excited Shmuel. Indeed, Eliav was a great man in terms of his spirituality and his internal personality, and therefore it was a reasonable conjecture that he would be anointed king. The problem was that there were things that even Shmuel did not succeed in seeing. The height that Shmuel referred to was actually spiritual stature, but still it was not the heart. It was “the height of Eliav’s heart,” i.e., his arrogance, that made Hashem despise him, as he was too aware of his own multi-talents, including of the spiritual.

Hashem taught Shmuel (and us) that even the perfect candidate is not the perfect candidate if he is overly focused on his qualification. David was the “little one” who was left off the list of candidates (ibid. 11). It was he who called himself “a worm and not a man” (Tehillim 22:7). And it was he, not his older brothers, who was chosen.

Let us pray that we will merit suitable leaders, who will remember that they are suitable only as long as they do not believe they are the most suitable.

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Ask the Rabbi

by Rav Daniel Mann

Giving an Envelope on Shabbat to Use for Donations

Question: It is the practice in some *shuls* to give a self-addressed envelope to one who gets an *aliya* to mail his pledge after Shabbat. Is the envelope *muktzeh*?

Answer: [We dealt with this question long ago (Vayeitzei 5773). We reasoned that the envelope is a *kli shemelachto l'issur* (the main purpose is for a forbidden-on-Shabbat use) and that it is also *hachana* (preparation for after Shabbat), as this is done to facilitate mailing or presenting a check. We suggested solving both problems by putting a *d'var Torah* in the envelope, thus having it serve for a permitted use. We invited our readership to provide grounds for leniency without the system we proposed, promising to update our readers if this occurs. We now pay our debt, after one reader, who wants anonymity, made a good point.]

The Biur Halacha (to 279:6) cites an Eliya Rabba (279:13) who claims that an apparent *kli shemelachto l'issur* does not become *muktzeh* until it has been used. This is based on the rule of *hazmana lav milta* (merely preparing something for a certain halachically significant purpose does not yet invest the object with its planned status). Tosafot (Shabbat 44b) and the Pri Megadim (Eshel Avraham 279:14) apply this leniency only when there are permitted uses for which it may be used. However, if from the outset it will clearly be used for primarily (perhaps, exclusively) forbidden activities, it is *muktzeh*.

The exact formulation of the above may be critical for our case. Once the envelope has the shul's address printed on it, it is identified as being intended to mail (presumably, checks) in it. According to several contemporary *poskim* (see Shemirat Shabbat K'hilchata 20:13, Orchot Shabbat 19:30; Tiltulei Shabbat (Bodner) p. 43), it is forbidden even if there are also permitted uses if it is clear that this is not the main intention. Each of them gives a hammer as an example of being *muktzeh* even before usage, despite the famous *halacha* about using a hammer to open nuts. According to the simple reading of Tosafot (and perhaps the Eliya Rabba), only items that have practically no permitted purposes are forbidden before use. One could argue whether our envelope is like a hammer or is more likely to be used for permitted uses. One can argue that since from the *shul's* perspective, a major function of the envelope is to hint/remind the *aliya* recipient that he "owes the shul," it would be permitted before its first forbidden use. Certainly, we see a more valid halachic claim for leniency in regard to *muktzeh* than we did five years ago.

What about the problem of *hachana*? First, the practical parameters of *hachana* are among the most complicated matters to set. To re-analyze this specific case, we will divide the question into two: Is it *hachana* for the *shul* to give the envelope? Is it *hachana* for the recipient to take it (home)?

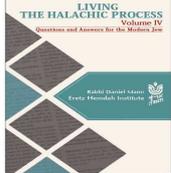
There is a long-standing albeit controversial practice to sell *aliyot* on Shabbat, and we will assume that it is permitted (see Mishna Berura 323:20). As part of the process, it is permitted to create "pledge cards" (without writing) (*ibid.*). Although these notations will be used only to "enforce" payment of the pledge after Shabbat, it is permitted to not lose the opportunity for this *mitzva*. Giving out the envelope, as a hint and reminder to donate, is ostensibly not worse than marking those pledge cards.

There is a different reason to allow the recipient to take them. For one, it is not clear if he will use the envelope for donating, as he might not donate or might donate without using the envelope; so, he might use the envelope for something else, perhaps even on Shabbat. Actually, the main reason many take the envelope is to not turn down the *shul's* suggestion that he take it, to not insult the *shul* or look cheap. That has immediate value and thus taking the envelope is not *hachana* for him either.

In summary, while we still think it is a good and nice idea to put something Shabbat-appropriate in the return envelope given to people after their *aliyot*, we can justify the practice of giving the envelopes as is.

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.)

Nationally-Based and Humanity-Based Practices

(condensed from Ein Ayah, Shabbat 6:96)

Gemara: Abaye and Rava both say: Any practice that is effective medically does not fall under the prohibition of following the ways of the Emorites.

Ein Ayah: The differences that exist between nations can be broken up into two categories.

One is that each nation has certain tendencies in its practices, which leave an imprint on all elements of their national life. All their customs, manners, and philosophies can be connected to these national characteristics.

There are matters that are within the profile of one nation and not another. Therefore, there are practices that are beneficial for one nation, yet can be destructive for another nation. That is why it is important for each nation to remain true to its character and be careful to follow its own lifestyle. They should not let in too many foreign practices, which could be damaging.

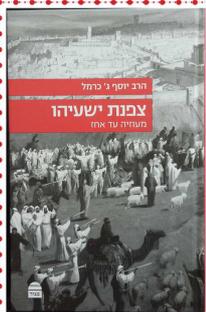
While this is true for all nations, it is even more incumbent upon the Jewish people to be careful about incorporating the practices of other nations. This is because their internal character is bestowed upon them from the experience of accepting the divine light. All of the ways of life that are fitting for them, based on all the aspirations and spiritual visions relating to Hashem, the world, humanity, and society, are unique to them in a special way. This phenomenon cannot be found in any other nation. In general, the practices of other nations are contradictory to such innate aspirations.

On the other hand, there are many matters that might find expression in each nation in a different form, but in a way that is not connected to the character of that particular nation. In that case, a specific nation may have merited, for whatever reason, to discover something that is valuable for all of humanity. Then, there is a way to do this broadly valuable thing with a general characteristic, even though it looks slightly different in different nations.

In such a case, since the need for the practice transcends nations, as it is needed by all, and the reason it was revealed has to do with all of humanity, it should not be limited to the nation which discovered it but is for all. All the nations would be wise to adopt such a practice. In that way, the nations of the world can enrich one another from their valuable cultural possessions.

This is true even if the good idea came from a spiritually debased nation (e.g., the Emorites), which is very different from the nation that needs to adopt the practice in question. The Jewish people should adopt good ideas from other nations, and when it enters our way of life, since it is fit for everyone, it can be effectively included in the nation that has as a holy characteristic.

It is for this reason that whatever is effective medically does not fall under the prohibition of following the ways of the Emorites.



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

Taking Part in Financing Road Building – part I

(based on ruling 77006 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: In 2015, the defendants (=def) obtained an extra-large plot of land on which to build their home. In 2016, some of def's neighbors petitioned their *yishuv* for financing for a temporary road to their section of the *yishuv*, but they were only able to receive partial financing. With the guidance of a *rav*, it was decided that the organizers (=pl) would levy a tax on members of the neighborhood to cover expenses. Pl have decided that def should be taxed like two households, since they built their home on two adjacent plots of land, just as def signed an agreement with the *yishuv* to pay double for infrastructure charges for electricity and water. Their contract also says that they have received two plots. Def argues that they received only one big plot, like many others in the *yishuv*, and that they paid extra for infrastructure and signed the contract as written only to avoid *machloket* with the *yishuv*. Furthermore, def argues that pl, consisting of only half the residents of the area do not have authority to obligate neighbors to pay and that indeed only the *yishuv* as a whole can do so.

Ruling: We accept that def obligated themselves only to the *yishuv* and for permanent infrastructure. Nevertheless there are things that neighbors are naturally obligated to contribute to, such as security matters (Bava Batra 7b). The Hagahot Maimoniot (Shecheinim 6) extends this to all moderate joint needs. The Shulchan Aruch (Choshen Mishpat 161:1) rules that a neighbor can be forced to take part in financing matters only if they represent great need or are done by common practice. The most likely explanation is that this is a Rabbinical institution made with the assumption that usually neighbors benefit from joint projects, and so they should all pay for that future benefit (see Divrei Malkiel I:96). The Netivot Hamishpat (264:7) distinguishes: the neighbor can be forced to pay if it is to be used to improve the value of their properties, not if it is to be used only to remove a problem.

The Mitzpeh Shmuel derives from a *tosefta*, which talks about of forcing one another, that even an individual neighbor can force another, and that a majority of residents is not required. On the other hand, the Rama (CM 163:1) seems to require a majority. The Divrei Malkiel (I:35) answers that a majority is required when it is questionable whether there are advantages to the actions, but when it is clearly beneficial and there is just a question of forcing participation, a majority is not needed.

There is a dispute in this case whether the need for the road is a great need, and it would make sense then that a majority would be needed to determine the matter. However, we believe that it is clearly a great need and additionally that the common practice is to build roads such as this. Therefore, def can be forced to pay.

Next week we will discuss whether def is to pay like the owners of one or two plots of land.

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