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HEMDAT YAMIM

Parashat HaShavua

Vayigash, 7 Tevet 5779

One Dream at a Time?

Harav Yosef Carmel

We continue to discuss Yosef's dream(s). We saw that Yosef's attempt to appease his brothers by means of sharing his dream backfired. "His brothers said to him: 'Will you be king over us, or will you rule over us?' They continued to hate him because of his dreams and his words" (Bereishit 37:8).

Many deal with a seemingly small and technical problem with this *pasuk*, which is not easy to solve, as we see from the number of answers that are needed to try to solve it (when there is a clear answer, there do not need to be as many attempts). At this point, Yosef had shared only one dream, so why does the Torah refer to plural "dreams."

The Da'at Zekeinim provides two answers: 1. The plural applies not only to the dream that was told but also to the one that would be told in the future. 2. Because he told it over multiple times, it is referred to in the plural. Both answers are difficult. What is the point of referring to a future dream, when it is brought explicitly one *pasuk* later? It also does not make sense for a dream to become plural just because it is repeated. This question also makes it difficult to accept the answer of the Seforno and Ohr Hachayim that it was referred to in the plural because it contained a lot of detail.

R. Chaim Paltiel and the Riva posit that, in the first stage, there had indeed been a second dream that the Torah did not write – ten candles surrounded one candle and tried to extinguish it, but they could not. (Indeed this dream is related in the *gemara*, Megilla 16b.) The Riva cites a commentator who claimed that the reason that this dream was not written is because it did not come to fruition. Thus, when the brothers reacted, they reacted to both of the dreams that they had already heard, and it is not referring to the one that had not yet been told.

The Malbim and the Netziv reason that the plural goes on the dream itself plus the idea, which they assumed, that if he had a dream like that, he must have such thoughts during the daytime. This is also difficult, as since when are thoughts considered a dream in the language of *Tanach*?

We will therefore suggest an additional explanation. Yosef had the dream of the brothers and the sheaves twice. This is in line with that which Yosef would tell Paroh years later, that the reason that he had a dream twice is as Hashem's way of showing that this is a prophetic dream that will come to fruition promptly. That is why the brothers hated him for the two dreams, meaning the repeated dream.

May Yosef's dreams be fulfilled and the principles of justice and belief be learned from the sons of Yaakov.

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Deans: Harav Yosef Carmel, Harav Moshe Ehrenreich
2 Bruriya St. corner of Rav Chiya St.
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Ask the Rabbi

by Rav Daniel Mann

Muktzeh during Bein Hashemashot

Question: May one “violate” *muktzeh* during *bein hashemashot* (=bhs; the time between sunset and nightfall treated as a doubt of day or night) based on the rule of *sefika d'rabbanan l'kula* (we are lenient in cases of doubt of a Rabbinic prohibition) even without a *mitzva* need. If not, why?

Answer: The *gemara* (Eiruvin 32b) cites R. Yehuda Hanasi (=RYHN) as saying that anything that is forbidden only Rabbinically on Shabbat is permitted during *bhs*. The *gemara's* language implies that the Rabbis made a conscious decision to not extend their prohibitions to this period, not that it is based on *sefika d'rabbanan l'kula*. The Rosh Yosef (Shabbat 34a) does attribute RYHN's rule to *safek d'rabbanan l'kula*, but he points out that this rule does not apply to all Rabbinic laws. If it were a simple application of *safek d'rabbanan l'kula*, it would apply equally to *bein hashemashot* entering Shabbat and *bein hashemashot* ending Shabbat. Saturday evening *bhs* is actually the subject of debate among the *poskim* (see Mishna Berura 342:2 and Biur Halacha ad loc.). In any case, the RYHN's rule is “on the books” at least for Friday evening. However, there is a need for further halachic exploration.

The Rambam (Shabbat 24:10, accepted by the Shulchan Aruch, Orach Chayim 342:1) writes that the leniency applies only when it is needed to enable a *mitzva* or in a pressing situation. How great must this need be? On the one hand, the Mishna Berura cites the Gra as requiring the pressing need to be a great one. On the other hand, he writes (Biur Halacha, ad loc.) that even if the thing only adds *oneg* (enjoyment) to Shabbat, this is considered for a *mitzva*, even if there are alternatives. This seems to contradict what he writes (in Mishna Berura 261:4), in the context of taking *ma'aser* during *bein hashemashot*, that it is a *mitzva* only when there is not alternative food. The needs of guests are generally equivalent to those of *mitzva* (Rama, OC 333:1).

As we mentioned, not all *d'rabbanans* are equal. A *mishna* (Shabbat 34a) mentions actions that are permitted during *bhs* (*eiruv chateizrot*, *hatmana*, *ma'aser* of *d'mai*), and there are strong indications that these are permitted without special need. On the other hand, many *poskim* say that certain Rabbinic prohibitions are forbidden even during *bhs* for a *mitzva* because they bring one too close to a Torah-level Shabbat violation (see Mishna Berura 342:1). One example is a *melacha* that is done in the form of a *melacha she'eina tzricha l'gufa*. In the other direction, some say that actions that are forbidden as weekday-like activity or *melacha*-related speech do not require special need (see Dirshu 342:11).

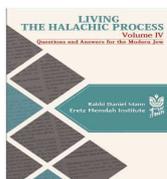
Where does *muktzeh* stand in this regard? Some explanations of *muktzeh* connect it to the concern that one will come to fully violate Shabbat, e.g., carrying to a *reshut harabim* (see Rambam and Ra'avad, Shabbat 24:13). However, indications are that *muktzeh* is a regular Rabbinic law in our regard, as the Mishna Berura (394:3) posits.

These *halachot* are of limited practical value. According to our consensus (against Rabbeinu Tam), *bhs* begins directly after what we call sunset. Although many communities do not consider it night for 20-25 minutes, since the core opinion is that *bhs* is around 13 minutes, we do not allow Rabbinic prohibitions beyond that (Orchot Shabbat 27:(69)). Another time issue is *tosefet Shabbat*, which prevents us from doing work before actual nightfall (see Shulchan Aruch, OC 261:1). While RYHN's rule does not impact *tosefet* regarding the Torah level, it is likely that a short time at the end of *bhs* should be free of Rabbinic prohibitions as well (Biur Halacha to 342:1). It is permitted to apply RYHN's leniency after one personally accepted Shabbat, when there is proper need (Shemirat Shabbat K'hilchata 46:19 rules this way, despite citing dissenters). However, once the community has, as a group, accepted Shabbat (through *davening*, probably, at *Mizmor Shir* ...), an individual may no longer use this leniency (Mishna Berura 261:28).

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Ein Ayah

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

Symbiotic Relationship of Modesty

(condensed from Ein Ayah, Shabbat 8:10)

Gemara: Why are the [sexual organs] of [sheep] covered, and those [of goats] are not covered. Those which we use to cover ourselves are covered; those which we do not use are uncovered.

Ein Ayah: The shepherd has the good fortune to be in a field, a place in which he can elevate his spiritual level. Hevel was a shepherd, and Hashem accepted his offering favorably (Bereishit 4:4). A shepherd should look at the material gain he receives from his flock and learn from it. The first thing he should notice is the moral insight related to the nature of these animals.

Sheep is the flock animal that is raised to use its hair for clothing, to cover one from his nakedness. It was blessed by its Maker with a covering over great parts of its own body, including a tail to cover its nakedness.

This teaches us that the goodness that one species provides for another comes back to help itself as well. All creations are interconnected, so that when there is a general improvement for the world, it benefits all beings. There is not war between living things, but rather an interrelationship of strength and peace.

Only those animals that are not used to cover us are not covered. Man's honor does not allow one to dress himself in sackcloth, which is made from the hair of goats. The feeling of honor that a person has because of his higher soul also comes with a sign from the characteristic of the animal with which man embarks on his path toward material and spiritual acquisition. That is why sheep and goats are called *ashterot*, which hints at the fact that they enrich (*ma'ashir*) their owners (see Chulin 84b).

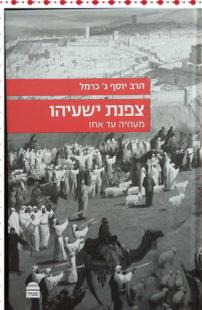
Hashem Said "Stop" for Good Reasons

(condensed from Ein Ayah, Shabbat 8:11)

Gemara: Why does a camel have a short tail? Because it eats thorns.

Ein Ayah: There is a sort of unity in the wisdom of creation, which is responsible for the creation, the sustaining, and the nourishing of different species. That which caused an animal to be created in a certain manner also plays a role in its life in the future, including the way in which it provides food for itself. This even causes the process of creation to halt, for the right reason, as Hashem said to his world: "That is enough" (see Chagiga 12a), when this will help in the species' existence in the future.

It is true that animals often have a good use for tails, and creation sees to it that a tail grows along with its fur. However, since a camel needs to graze amidst the thorns, it was prevented from having its tail grow to normal size, as the tail would get stuck among the thorns.



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

Unlivable Apartment? – part II

(based on ruling 76116 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The plaintiff (=pl) rented out a new apartment, which was half of a larger apartment that was split up, to the defendants (=def), a new couple. They signed, a few weeks before the rental was to begin, a contract, which set the price at 1,900 shekels a month and provides for continued payment of rent and arnona even if def stop living in the apartment. The day before the beginning of the rental, def visited the apartment with her father and was distressed to learn that she was able to hear the conversations of workers in the adjoining unit. Def immediately decided to void the rental. Pl is suing for payment for the time that the apartment went unrented (renters came in only after four months). Def counter that the apartment is unlivable. Since they were not aware of the problem, the agreement was a mekach taut (agreement based on misinformation) according to Halacha and according to the Law of Contracts, which was referenced in the contract. Def are countersuing for 14,043 shekels for expenses made necessary in cancelling the rental and finding another one at the last minute, which is more expensive and worth less than the one in question, not including the unknown privacy issue. They also argue that the agreement to pay rent until the end of the year is a penalty clause of a one-sided contract that took advantage of an inexperienced young couple, and it is therefore not binding. Pl adds that they offered to do additional soundproofing at their own expense.

Ruling: Last time we saw that it was not proven that the sound problem was beyond the low extreme of the normal range and that the offer to have it fixed is generally valid.

Def claimed that they were unwilling to have pl improve the soundproofing because they heard from people that pl is not a good person to work with. This is not acceptable. Backing out of a rental deal a day before it is supposed to start almost always causes a landlord a significant loss of money. One is not allowed to base such a decision on rumors.

Def was offered to try to sub-let the apartment or help pl find another renter and claimed that they refused because they did not want to harm anyone else. This is also not acceptable. They could have told potential renters of the problem and let them decide for themselves whether they can live with the deficiency or whether or not they were interested in having it soundproofed. Therefore, they are bound by the contract to pay until the end of the year or until a renter is found.

The clause requiring payment even if they do not occupy is not an unfair clause. When one rents an apartment, he makes a *kinyan* which is binding for that time period. There is a discussion among *poskim* about cases in which they cannot live there due to extenuating circumstances. However, generally, paying the full year without occupancy is not unreasonable (see K'tzot Hachoshen 316:1). Their claim to not having read the whole contract and being inexperienced is also unreasonable. They had the opportunity to read and consider; in this case, the wife's father, who represented them in *beit din*, is a lawyer. Therefore, if they decided not to be more careful, that is their doing.

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