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HEMDAT YAMIM

Parashat HaShavua

Shemot, 21 Tevet 5780

Service in the Israeli Army and Lineage – part III

Harav Yosef Carmel

We have been dealing, over the last couple of weeks, with the possibility that David had officers in his army who were not Jewish or not of Jewish lineage. The *gemara* posits that at least Itai HaGiti came to the army as a non-Jew, although it is possible that he converted later.

This week we will investigate the important opinion of the Rambam, one of the only *poskim* who wrote extensively even on matters that were not operative in his times, including the workings of the Israelite army. In his Commentary on the *Mishna*, he explains the importance of soldiers being Jewish: “so that their merit and the merit of their fathers will help them.” However, there is no mention of such a concept in the *Yad Hachazaka*, his code on Halacha. Apparently, he posited that the opinion that participation in David’s army is an indication of Jewishness is not accepted according to Halacha. We will prove the Rambam’s opinion on this topic from two additional directions.

Someone asked R. Avraham the son of the Rambam (*Shut* 25) about the lineage of Doeg Ha’Adomi and Uriya HaChiti. R. Avraham says they were *geirim* (usually translated as converts), and cites his father as saying that Uriya was a *ger toshav* (one who does not convert fully to Judaism, but rather accepts upon himself enough *mitzvot* to be allowed to live in the Land). (This opinion has fascinating consequences regarding the relationship between David and Uriya’s wife, Batsheva. However, that topic is far beyond our present scope.)

The question that now begs an answer is: according to the Rambam, what ensured success in the battles of David’s army? The answer can be found in the Rambam’s *Yad Hachazaka* (Melachim 7:15). He writes that when one is in the process of waging battle, “he should lean on the Savior of Israel and know that he is fighting on behalf of the united Name of Hashem. He should not think about his wife or children ... Whoever fights with all his heart without fear and his intention will be to sanctify His name is promised to not have any damage.” He brings corroboration from Avigail’s praise of David for his dedication to fight “Hashem’s wars” (*Shmuel I*, 25:28-29).

It follows that according to the Rambam, success in battle is not based on the merit of one’s forefathers but on the merit of his belief in Hashem, reliance on Him, pushing off personal thoughts, and his intention to sanctify Hashem’s Name. (Thank you to my *talmid* Rabbi Adam Friedman for making the connection.) That is the key to victory in every generation.

Let us pray that in our generation, the generation of the beginning of the redemption, we will merit that the soldiers of the IDF, who endanger their lives to protect our people and our communities, will be disciples of David and will sanctify Hashem’s name with their behavior.

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Ask the Rabbi

by Rav Daniel Mann

Where Should the *Tzitzit* Be Connected to the *Tallit*?

Question: I have learned that the *tzitzit* should be laying on the outside of the *tallit*, but I do not see that people are careful about it. How important is it for it to be done properly?

Answer: The *gemara* (Menachot 42a) cites Rav Giddel who learns from the *pasuk's* words of “on the corners of their garments” that the *tzitzit* need to be *resting* (likely translation) on the corner of the garment, (as opposed to hanging down over only the ground - see illustration).

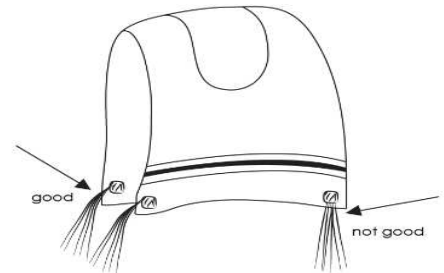
This looks like a Torah law, which would ostensibly make it crucial. However, you are right that people are not careful about it, and this phenomenon is reported (without alarm) already by the Sha'arei Teshuva (Orach Chayim 11:26). This laxness could be horrible, but it could also be telling. Let us search for further indications.

There are other indications that not being careful about this does not ruin the *mitzva*. The Darchei Moshe (OC 8:3) introduces the *minhag* not to make a *beracha* on a *tallit katan* (i.e., *tzitzit*) out of concern that it might be too small, but to make it on a *tallit*. If hanging from the incorrect side disqualifies, it might be more of a problem for a *tallit* (see below). Also, we are instructed to check that the strings of the *tzitzit* have not ripped before putting them on, so as not to make a *beracha l'vatala* (Shulchan Aruch, OC 8:9), whereas our issue, which is much more common, is not mentioned.

There are actually different explanations as to the *gemara's* (ibid.) intention. Rabbeinu Gershom (ad loc.) and others explain it, that the knot should not be attached to the garment too close to the corner but further up and in. Indeed, the Shulchan Aruch (OC 11:15) introduces the *halacha* as you described it with “there are those who say...,” although he does *pasken* that way, as he does not cite dissenters. The Sha'arei Teshuva (ibid.) suggests that people are not careful about this because some of the *Rishonim* who raised the issue were not resolute about it.

Actually, the Levush (OC 11:15), Magen Avraham (11:24), and Mishna Berura (11:72) posit that even those who understand the *gemara* to be referring to our case, posit that it does not disqualify the *tzitzit*. The Tehilla L'David (OC 11:11) argues that the issue is only at the time that one ties the *tzitzit* to the garment. The Levush and Magen Avraham say that the bigger issue is to avoid having the knot attached right on the garment's vertex because it looks like he is trying to have on “eight corners” or because this was the Karaites system.

For rectangular *tzitzit*, the place to put the knot is on the long side. On the square *tallit*, the matter is more complicated. While the back side hangs similarly to the strings of *tzitzit*, the front part is draped over the shoulder and chest, and initially wrapped over one's head. It is likely, then, that it usually ends up resting on the corner when it is put on the side that is horizontal before putting it on. Assuming, as we do, that the issue has to do with the time of wearing, this is where most *poskim* recommend to have it (see Bi'ur Halacha to 11:15). Thus, it turns out that the proper position can actually change during a given wearing based on how the garment is positioned. Perhaps this is a reason that the *poskim* assumed that this could not be a problem that disqualifies the *mitzva*.



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Ein Ayah

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

The Angel of Death's Gift of Life

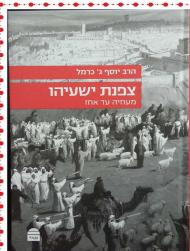
(condensed from Ein Ayah, Shabbat 9:106)

Gemara: The angel of death also gave Moshe a present. We see this is from the *pasuk*: “[Aharon] took the incense [based on Moshe’s instructions], and he atoned on the nation” (Bamidbar 17:12). And it says: “He stood between the dead and the living, and the plague was stopped” (ibid. 13). Had the [angel of death not told Moshe], how would he have known?

Ein Ayah: The power of destruction, damage, death, and reduction to nothingness is part of the building of the world. The power that makes things disappear improves the building of that which exists. When the connection between elements is complete and all of the worlds and their powers, both spiritual and physical, remain properly linked, then all the powers are able to complete their jobs. Under such circumstances, the power of death serves the power of life. This is the special characteristic of the incense, which unites all the essence of all that impacts life, both material and spiritual, according to the wonderful values that Hashem set out in the Torah. However, it is more difficult to use the power of death positively before the time that the spirit of impurity will be removed from the land. Turning destructiveness into the power to build was a one-time revelation when the power of evil and death was given in a special manner to Moshe, who possessed a special grandeur when he went to the Heavens to receive the Torah. Then, the light of life was able to shine from the loftiest places of the Heavens onto the broad land.

The *gemara* says that had the angel of death not told Moshe, he would not have known. This revelation could only come when the power of destruction itself (the angel of death) took part in the job of building and in the world of existence. Then this power could find its broadest purpose, which is using destruction to further the building. It is true that the power of destruction’s use for the positive will occur on a widespread basis only in the distant future, and so its use for sweetening that which is bitter is now still hidden. Therefore, Hashem had to give *mitzvot* with which to improve the whole of humanity. However, on a one-time basis, to stop a plague by getting the angel of death involved in the process of building by teaching the power of the incense, this had a special chance of helping because of the angel of death’s involvement in the process. It was also important that it was used at a time in which there was a unique need, which was unlike the regular rules with which the perfect Torah deals.

This revelation is also related to the Torah [as the *mitzva* of offering incense is found there], as there is nothing missing from the Torah, and it causes those who learn it to have special grace. This grace found full force at the powerful time that the messenger of Hashem, the great shepherd of the people, arrived in the Heaven to bring light to the world. This light of Torah is the source of peace, love, and a foundation of life and improvement of the entire universe including the world of the angels.



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

“Don't Let the Bedbugs Bite” – part II

(based on ruling 78030 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The plaintiff (=p) ran group tours that, one Shabbat, used the defendant's guesthouse (=def). Over Shabbat, p felt bites but assumed they were from mosquitoes. When the symptoms recurred at home and she discussed the matter with group members and def, she figured out that she brought bedbugs home from def, from which the above were also suffering. Def sent an exterminator to p's house, but their one-time treatment did not help def (it helped other group members). Def entered a grueling three-month extermination regimen, which solved their problem. P ended up throwing out all of their bedroom furniture. P is suing for: the value of the discarded furniture (30,000 shekels); expenses of massive washing and drying of fabrics, including damage to the washer and dryer (7,000 shekels); buying new temporary (out of fear of recurrence) furniture (15,000 shekels); distress (10,000 shekels). Def responded that it was possible that someone in the group brought the bedbugs to def (they did not have problems before and did have afterward). Def argued that they were not at all negligent and paid for an exterminator for all involved beyond the letter of the law. (Def has insurance for the claims but relinquished their rights to them by adjudicating in *beit din* instead of secular court.)

Ruling: Last time we saw that we should hold def responsible to the extent that insurance companies are expected and usually agree to pay claims against their clients.

Let us compare these norms to Halacha in such a case: 1. In Halacha, a high level of proof of cause is needed in order to obligate, whereas according to societal norm, a low level of probability suffices. 2. The norm does not require a high level of culpability, whereas Halacha requires relatively more for indirect damage. 3. The norm calls for compensation even for psychological distress. 4. According to both Halacha and the norm, the award is reduced to the extent that the damaged could have taken steps to minimize the damage or had some share in the damage.

The two sides agreed that *beit din* could learn about bedbug infestation from an article on the Dept. of the Environment website (expert witnesses are expensive). Bedbugs only move from place to place at night, and they do not usually move from building to building but from room to room within a building.

Let us investigate what apparently transpired. The two rooms that were affected on the Shabbat in question were not attached and both were open to the outside. The people affected spent only one night in the same building and did not spend other time together in a manner that bedbugs could have been passed from one to another. No one had experienced bedbugs before their stay in the guesthouse. Therefore, the likely explanation is that the bedbugs entered the rooms from the outside at a similar time, and that the guesthouse was thus the source of people's infestation.

Next time we will look whether def was at fault, whether that makes a difference, and how to estimate proper compensation.

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