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HEMDAT YAMIM

חֶמְדַּת יָמִימִים

Parashat HaShavua

Vayishlach, 19 Kislev 5781

“Save”?

Harav Yosef Carmel

Yaakov left his stingy father-in-law's house as a rich man, with large flocks of animals, and these were accumulated with special divine assistance from the herds of Lavan's sheep, through agreements that Lavan repeatedly changed. Yaakov called his wives to the field for a discussion of their situation of when and how to leave Lavan.

Yaakov told them: “Hashem was *matzil* your father's livestock and gave them to me” (Bereishit 31:9). They responded: “All of the riches that Hashem was *matzil* from our father is for us and our children, and now all that Hashem has told you, you shall do” (ibid. 16). Usually the root of *matzil* means to save, but how was he saving the flock?! Perhaps it relates to the later use of the animals in Yaakov's attempt to be “*matzil*” him from Eisav (ibid. 32:12), but that still does not explain what the usage of *matzil* is here.

Rashi and the Radak interpret the root as meaning to set off to the side. Actually, even the word saving means separating the potential victim from the source of the danger that affects him. Here, then, it would mean that the flock that might have been with Lavan was now moved to Yaakov. The Ibn Ezra explains the similar form of the root in regard to the riches that Bnei Yisrael got from the Egyptians before they left (Shemot 12:36).

The root also comes up in Shmuel (II, 20:6). The context is that David's forces were having difficulty handling the revolt of Sheva ben Bichri, and David expressed concern that he would escape to a fortified city and be “*matzil* our eyes.” There, Targum Yonatan translates it as “they will cause us pain.” My student and colleague, Rav Dayan Menachem Jacobowitz suggested that since in Aramaic the letters *tzadi* and *lamed* can be interchangeable, the word can be used like *matzir*, which would really mean to cause pain. It is also possible that it is related to the word *tzel* (shade), implying darkness, which is often a metaphor for painful times (see Yeshayahu 8:22 and Tzofnat Yeshayahu, p. 257).

Rashi explained in the opposite direction, saying that there is an implied but missing word, and the concern was that Sheva would save himself from before David's troops' eyes. The Radak adds possibilities: he will remove our sight and knowledge, i.e., draw the people's heart after him. The Ralbag understands that this latter approach can also be applied to our *pasuk* about Yaakov and Lavan.

We humbly present another two suggestions in regard to David and Sheva ben Bichri. It can mean *tzel* but not from the perspective of darkness but of protection. It is also possible that the *pasuk* uses *lashon sagi nahor*, i.e., it is written as a positive, which is a hint of an opposite negative that the *pasuk* would rather not mention.

This word is one more example of the richness of the Hebrew used in *Tanach*, which makes the learning of *p'sukim* more challenging ... and rewarding.

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Those who fell in wars for our homeland. May Hashem avenge their blood!



Eretz Hemdah
Deans: Harav Yosef Carmel, Harav Moshe Ehrenreich
2 Bruriya St. corner of Rav Chiya St.
POB 8178 Jerusalem 91080
Tel: 972-2-5371485 Fax: 972-2-5379626.
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Ask the Rabbi

by Rav Daniel Mann

The Necessity to See the Moon Before *Kiddush Levana*

Question: Last week clouds covered the moon after some of us began *Kiddush Levana*. Can the remainder rely on their “testimony” to join the *beracha*?

Answer: Many early sources (Yerushalmi, Berachot 9:2; Sanhedrin 42a, in some texts; Rambam, Berachot 10:16; Shulchan Aruch, Orach Chayim 426:1) present the seeing of the moon as the presumed prompt for making the *beracha*, saying: “One who sees the moon ...” This is despite the fact that we do not need testimony to know that it is there. If the *beracha* were a matter of the *tzibbur*, one could argue that if (most of) the *minyan* saw it, others could join the *beracha* if it began properly. However, *Kiddush Levana* is a *beracha* of the individual, and it is but a preference to do so among others (Be’ur Halacha to 426:2). Therefore, each individual needs the conditions to make the *beracha*. Usually, when it was seen moments before, it is likely to again be seen soon thereafter. However, there are still conceptual and practical matters to consider.

Is it critical to be able to see the moon, even in a case in which it will not be visible before the end of the *beracha*’s period? The Radbaz (I:341) says that a *beracha* made while the moon is covered is *levatala*, modeling it after *Borei Meorei Ha’esh* at *Havdala*. The Terumat Hadeshen (I:35) instructs that one should wait until *Motzaei Shabbat* for *Kiddush Levana* **only** if it leaves enough days for there not be concern of constant cloud cover. This implies that it can absolutely not be done with cloud cover.

Yet, there is a minority opinion that if constant clouds will prevent doing *Kiddush Levana* that month, one can do it without seeing the moon (Adnei Paz, OC 426). Conceptually, this may depend on the nature of the *beracha*. If we thank Hashem for the new month (as the simple reading of the *beracha* suggests), represented by the new moon, then seeing it is perhaps less important. We do not need to see it when we daily bless Hashem for making the sun and the moon (*Yotzer Hame’orot*)!

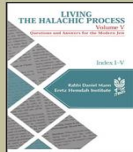
A major source that minimizes the need to see the moon is the Shut Maharshal (47), who says that a blind person (*suma*) can make the *beracha*. Many accept this opinion (see Mishna Berura 426:1), although many disagree (see Be’ur Halacha ad loc., VIII, OC 22). In contrast, a *suma* does not make the *beracha* on light at *Havdala* (Shulchan Aruch, OC 298:13).

However, many sources posit that the *beracha* is on the light. The *p’sukim* on the creation of the sun and moon stress the moon’s light-giving attribute (see Bereishit 1:14-18). In fact, the Rama (OC 426:1) says we must do *Kiddush Levana* late enough to not only see the moon but also benefit from its light. Even the Maharshal, who obligates a *suma*, requires benefit in terms of time and possibly place, just that not each person needs to personally benefit directly.

A few questions may hinge on how fundamental to the *beracha* the light or the benefit from it is. If it is like other *berachot* on seeing elements of nature and praising Hashem for creation (which the Rambam ibid implies), it would not seem critical that if, subsequently, during the *beracha*, it is covered (compare to the *beracha* on thunder/lightning). If the *beracha* is on receiving benefit from the light, it is more likely to need to continue throughout (see two opinions in Be’ur Halacha to 426:1). The accepted opinion is that one should believe it will last throughout the main *beracha* (until ... *mechadesh chodashim*), but if one started, he can continue. There is also a *machloket* in the other direction, when there is enough light to benefit, but the moon is not clearly visible (see Shut R. Yaakov MiLisa, OC 7).

Arguably, the *beracha*’s nature might impact on a variation of your case – if the one who saw the moon made the *beracha* also intending to do so on behalf of those who did not. The *beracha* was valid due to the sighting, but the benefit did not extend to the one who listened. (The possibility of someone making the *beracha* and including a *suma* in it may be instructive – see Yabia Omer IX, OC 94 – whether or not it is a proof is beyond our scope.)

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Ein Ayah

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

[We continue with Karna and Rav's discussion when Rav came to Bavel from Eretz Yisrael. Rav sensed Karna was expressing disapproval of his move and reacted to the criticism.]

Light or Darkness

(based on Ein Ayah, Shabbat 14:6)

Gemara: Rav asked: "What is your name?" "Karna." He said: "May it be His will that a *keren* will come in your eyes."

Ein Ayah: The word *keren* can mean a ray of light – that is dignified and spiritual. It can also mean a horn, which is very different, a coarse material matter.

Rav wanted to remove the complaint that his coming to Bavel from *Eretz Yisrael* would lower the eternal connection between the nation and the Land and its sanctity. He was insulted that it was not realized that his goal was only to enlighten the eyes of the Babylonian exile and connect them to the light of Torah. This could purify and elevate all of the spiritual feelings from the impurities that polluted them due to their having left the Torah. If people could improve, they would be prepared for the liberation and return to the Land of the Forefathers, to build it and be built up in it in spiritual grandeur.

Rav used Karna's name as a *mashal* – if he will be a beam of light, then when put in his eye, he will act in a clear and pleasant manner. If he will follow the material *keren*, if put in the eye, it will take away his light and impair his vision.

In a similar vein, Rav needed to leave to the diaspora, as the Babylonian community had become ignorant and forsook the Torah, in regard to study and observance. It was necessary to build up the holy national emotions, which are connected to the material world, the world of the land, and elevate them with light and spirituality. Only then would they be ready for liberation, to leave the land of darkness for the place of light, the Holy Land.

Worthwhile Discomfort?

(based on Ein Ayah, Shabbat 14:7)

Gemara: Then they brought Rav to Shmuel's house. He fed him barley bread and fish brine and had him drink whiskey, and he did not show him where the bathroom was so that he would suffer from his loose stomach. Rav cursed: "He who caused us pain should not have children," and this is what occurred.

Ein Ayah: Rav, came to Bavel for Israel's benefit to calm them in their exile, since he saw in divine inspiration that they would be forced to be in the diaspora for a long time. Exile serves as a smelting pot for the nation, preparing and purifying them, so they will be ready at the end of days to return to the Land in honor. Rav wanted Bavel to be like *Eretz Yisrael* until the time of liberation. He did not believe the nation's Torah connection could be sustained without improving the diaspora's spiritual and physical situation, and he looked for ways to accomplish this.

Shmuel and many other scholars thought that it was appropriate to move up the end of days by making the ongoing exile impossible. They saw exile as medicine that causes great suffering. Even if in the end it heals, it comes with severe suffering. The hint at this was Rav's situation of digestive infirmity – he needed to suffer to get better. This is what the Babylonian scholars thought was necessary, and thus they had not yet improved Bavel to rival *Eretz Yisrael*, which happened after Rav arrived (Gittin 6b).

Rav disagreed and believed the nation could not survive in such a lowly state. He conveyed this by saying that one who caused such pain would not have children. Rav continued his improvements, preparing the people for the eventual liberation.



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

Losses from Financially (and Morally) Bad Loans – part III

(based on ruling 75001 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The plaintiff (=pl) and the defendant (=def) were the primary players in a business (=bus) that provided large, high-risk, high-interest loans; pl ran the business, and def was the silent owner. Bus advanced cash at interest rates of up to 8% monthly in return for much higher post-dated checks. After its own initial investment of funds, bus received cash from another business (=sup) to whom they gave those checks for a lower rate (2.1%) of interest (bus's profits were from the margin); pl and/or def served as cosigners to sup. Pl got some borrowers to give cash instead of honoring the checks, even when their checks were already given to sup. Several of the borrowers have defaulted, bus has closed, and pl and def now owe sup and other investors many hundreds of thousands of NIS. Pl demands the following: 1. To be released from debts as a cosigner to sup (441,000 NIS) and Mr. P. (400,000 NIS), because he was improperly pressured. 2. The return of the money he and his mother invested (350,000 NIS) and expenses he outlaid for bus (149,000 NIS). 3. Back-pay for months of work. Def claims that pl caused great losses by surpassing the amount of credit def agreed to, especially for some very large loans. Pl admitted in discussion with Mr. P, who mediated, that he should pay for much of the losses (1.25M NIS plus interest). Def claims to have not promised pl a salary, just 15% of profits.

Ruling: We will now discuss pl's responsibility for not keeping to the amount of credit he was allowed to give customers. Pl claimed that he did not receive enough training. Beit din rejects this claim, as he had clear lists and knew exactly what was beyond the limits. The amounts given were large and when given in installments, the installments were close together. Apparently, the hope for large profits from the high interest enticed pl to exceed limits. Pl does have a better claim – that def had access to all the records in real time and allowed these large loans to go through, probably on purpose; at least he should have known about them. Def claims that he did not notice how large the credits were. However, from the testimony of Mr. P. and the records of guarantees that def arranged in certain cases, we see a pattern of def being aware and deciding when the amounts were acceptable to him. Under these circumstances, it is correct to divide responsibility for the failed loans, with def, the owner, being mainly responsible. Since it is impossible to know how to quantify, we will employ logical compromise positions (see Shulchan Aruch, CM 12:5). Beit din employed logic in each case and set a formula to deal with the possibilities that some portion of the money owed by defaulting borrowers will be recovered. Regarding the claims of expenses by pl, beit din accepted two thirds of the amounts. Pl's action of receiving cash from certain borrowers even though their checks were given to sup was unconscionable. Therefore, all damages to other parties that resulted will be only on pl.

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