



HEMDAT YAMIM

Parashat Hashavua

Vayigash, 7 Tevet 5782

Harav Shaul Israeli zt"l
Founder and President

The Hidden Sale
Harav Yosef Carmel

We saw last week that the root *shever* (related to grain, sales, crisis, and hope) is a leading word in *Parashat Miketz*, and it actually is again in *Parashat Vayigash*. The great *mashber* (crisis) in Egypt was a result of the sale of Yosef, who was called the *mashbir* (provider) for the people of the country (Bereishit 42:6).

We will now focus on the emotional reunion between Yosef and his brothers. Before revealing his identity, Yosef commanded all others to leave the room (ibid. 45:1). Why was this important to him? Midrash Sechel Tov (Vayigash 45) said it was a matter of modesty, as Yosef was planning to show his brothers his *mila* in order to prove his identity. The simplest explanation is that it was designed to spare his brothers from embarrassment, as this revelation was going to include painful rebuke. The Ramban comments that Yosef did not want the Egyptians to hear about his sale into slavery, as in addition to embarrassment to his brothers, it also could cause damage to Yosef's plans of settling his family in Egypt. Who wants to welcome to a prominent station in Egypt a group of men who betrayed a brother? Might they not betray Paroh and the Egyptians?

The Da'at Zekeinim also takes the Ramban's approach and goes as far as to say that even Binyamin did not hear that the brothers had sold Yosef, as he was whisked away in the middle of the conversation.

The simple reading of the *p'sukim* also implies that Yosef kept the episode a secret the whole time. He told his fellow prisoners that he was "abducted from the land of Hebrews" (Bereishit 40:15). Even the brothers, upon discussing their guilty conscience over Yosef, did not mention the sale but just generally that they regretted not having mercy and wronging him (ibid. 42:21-22). It is even possible that Reuven, who had left his brothers when Yosef was in the pit, did not know they had sold him. There is no hint of Yosef telling his father how he ended up in Egypt, and the brothers do not mention it to Yosef when they discuss their relationship after Yaakov's death.

The next one to bring it up, in the form of a hint, is the prophet Amos (2:6), who talked about the sins of Israel, which included selling a righteous and a poor person for money and shoes, respectively (see also ibid. 6:6). *Chazal* also attribute the death of the ten martyrs at the hands of the Romans to the sin of the tribes' founders towards their brother. The emperor demanded of the rabbis to make judgment of one who sold his brother for shoes, and he carried out punishment against them. This, of course, is the basis of the *piyyutim* about the martyrs, recited on both Yom Kippur and Tisha B'Av.

The sale of Yosef is what turned the betrayal of the brothers into a *shever* that was difficult to mend. True fraternity is the best remedy. Let us remember that during the upcoming fast of Asara B'Tevet.

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



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Ask the Rabbi

by Rav Daniel Mann

A Harmless Lie?

Question: Kids in camp often ask counselors when color war will be, and they often respond that they don't know, when they actually do. Does this violate the prohibition of lying?

Answer: The term *sheker* in the Torah's halachic contexts is found regarding oaths (Vayikra 19:12), testimony (Shemot 20:12), and "Distance yourself from falsehood" (Shemot 23:7, in the context of instructions to judges). The *gemara's* (Shvuot 31a) several examples are in the realm of adjudication, referring to any of the participants (including the litigants) giving a false impression even without lying.

The Yereim (235) posits that the prohibition applies even to non-judicial matters, but in cases where the lie causes damage. The *gemara* (Chulin 94a) forbids doing even nice things without lying if it may cause the recipient to be more grateful than he would be if he knew the truth, which could cause him to reciprocate at a cost. In non-judicial cases, we find an assortment of leniencies. The *gemara* (Yevamot 65a) allows distortions to preserve peace, citing three biblical precedents: 1) The brothers told Yosef that Yaakov had asked to forgive them; 2) Shmuel told Shaul he was going to Beit Lechem to bring a sacrifice, when his goal was to choose David as Shaul's successor; 3) Hashem told Avraham that Sarah had called herself, rather than Avraham, too old to have a baby. Whereas #3 was to save someone else from dispute, #1 and #2 allow even saving oneself; whereas #1 and #2 carried the potential of grave danger, #3 refers to only hurt feelings. Torah Lishma (364) brings dozens of Talmudic examples of altering the truth for altruistic reasons. The *gemara* (Bava Metzia 23b) permits denying having learned a certain Talmudic *massechet*, out of humility (Rashi ad loc.). Another is lying to hide matters of relations between spouses (ibid.), which extends to not divulging when a woman is going to the *mikveh* (Rama, Yoreh Deah 198:48).

It is not limited to cases when the need could outweigh the prohibition, as not all the needs are great. Beit Shamai say that one violates lying if he praises the beauty of an unattractive bride, whereas Beit Hillel (Ketubot 17a), whom we accept, posit that this is okay, to make the *chatan* happy. The need there or due to humility (above) is not enough to overcome prohibitions. Rather, whereas most *mitzvot* are more absolute, the prohibition of non-judicial lying is contextual, and benevolent lying is not morally or halachically problematic.

Our answer is that counselors may, at least usually, say they do not know when color war is. Let us use your case to highlight some of the many distinctions that affect what is permitted. The accepted practice regarding color war in camp is that the staff tries to make it a surprise. The camper who is trying to find out is in essence saying, "It is my 'job' to try to guess; it is your job to try to deceive me." This is equivalent to what I answered a young child of mine, who asked how I could try to fake out defenders when playing basketball. Along similar lines, if the counselors do not hide the truth, the campers, including the one who asked, will be damaged (i.e., have less fun). Misleading and even lying is permitted when the benefit to others outweighs any disadvantage (see Chulin ibid.; Titen Emet L'Yaakov p. 334).

When it is justified to alter the truth, one should try to limit the degree of deception. It is better to mislead than to directly tell a lie (see Aruch La'ner, Yevamot 65a). "I don't know," when one does know, is particularly palatable. In fact, *Chazal* instruct us to get used to saying we do not know (Berachot 4a). Kalla Rabbasi (4:22) learns this from Achima'atz, who knew that Avshalom had been killed and told David he did not know. It is not only farther from a full lie but apparently is also a "self-fulfilling prophecy." In other words, once it is acceptable to say "I don't know," when is told that, he should consider that it might mean "I would rather not say" (one may use a literally incorrect statement when it is not particularly misleading).

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

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Igrot HaRe'aya - Letters of Rav Kook

In Favor of Studying *Kabala* Seriously - #76

Date and Place: Sivan 5667 (1907), Yafo

Recipient: Rav Tzvi Shimon Horowitz, a distinguished kabalist and founder of the Yeshivat Mekubalim in Jerusalem, Sha'arei Hashamayim

Body: I received your valued letter along with a copy of your important *sefer*, *Kol Mevasser*. With great joy I read that Hashem has redeemed His nation and the sound of the knocking of our Beloved can be heard in our fortress, the Holy City of Jerusalem, awakening the love and encouraging us to cling to the tree of life. I was also overjoyed to hear about the joining of pure Jews to dedicate themselves to the study of the wisdom of truth (Kabalistic study), which will emit a special light and cause salvation to flourish. My thanks to Hashem that unique, holy individuals in Jerusalem are inspired to do so. You have a special merit in facilitating such activity, exciting pure hearts and strengthening those who waver with the words of your holy book, which encourages people to set regular sessions for the study of the Torah of truth.

There is inestimable value in involvement in the words of the Living G-d, as learned through the Zohar and teachings of the masters of Kabala, especially the writings of the Arizal. Even if one is not on the level to understand these teachings in depth, study is still worthwhile both in the present and with an eye toward the future. Consistent study will reveal gates of light and wisdom for all who walk in Hashem's path wholesomely and desire to approach the palace of the Eternal King. All who consistently partake in such study for even an hour or two a day shall be blessed, while their main focus in Torah study should be in other areas, as appropriate to each person according to his interests. Then we can apply the rule that one who intends to perform a *mitzva* but was unsuccessful is treated like one who performed it, in this case of entering Hashem's palace through the study of Torah secrets.

However, for the choice few who are capable of approaching Hashem and arousing the hearts to inspire closeness to Him, it is a holy obligation to pronounce loudly that which the angel-like early teachers of Kabala said. Namely, a wise and pure-hearted person who is prepared and motivated to study the pure, hidden truths of Kabala should make it the main focus of his studies. Then he earns the crown of achievement in the world of internal Torah. He should also set times for the study of *Tanach*, *Mishna* and Talmud, halachic matters, and homiletical sections of the Talmud. Then he will succeed in attaining the hidden lights of truth. This is especially true of scholars above the age of fifty/sixty who are satiated with knowledge of basic Torah texts and skills. For them, Hashem's voice calls out powerfully to act on His behalf to increase the number of "soldiers of the war of the books" to spread the hidden light.

It is almost impossible to capture the hidden light with a dull mind, without the finest characteristics and a deep relationship with Hashem. Therefore, one must prepare by studying on a simple level the writings of homiletics, ethics, and character improvement written by the great rabbis of the generations. The better one learns those matters the greater the capacity in the hidden Torah. However, the young who do not feel the interest or spirituality needed for the internal light, should feel obligated to take part in at least an hour or two daily of classes on Kabala. Over time, their minds will broaden, they will succeed in classical Torah study, and, as they grow older, their love for esoteric matters will increase like a flame's light. They will cling to the "tree of life," enjoying its shade and fruit. They will provide new light with special books and elevate and adorn Israel, especially inhabitants of the Holy Land, the place from which light emanates to the world for nations to see.

Rav Kook ends with blessings to Rav Horowitz and his disciples.

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

Nir Rephael ben Rachel Bracha
Yisrael ben Rivka

Rivka Reena bat Gruna Natna
Arye Yitzchak ben Geula Miriam
Together with all *cholei* Yisrael

Neta bat Malka
Meira bat Esther

P'ninat Mishpat

Did the Owner Exhaust his Opportunities? – part II

(based on ruling 80065 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The plaintiff (=p) was in debt a few hundred thousand NIS for years. *Hotza'ah Lapo'al* (the enforcement arm of the court system) carried out a public auction to sell p/s apartment (a converted storage room with multiple building violations), with a large part of the sale's proceeds going to creditors. The defendant (=def) had the winning bid (1.12 mil. NIS) in 11/19, a purchase confirmed by the courts in 01/20, after p/ failed to convince them that he would be able to pay the debt in another way. Soon after the court's final approval of the sale, p/ found a donor to reimburse def for the purchase of the house. Def said that he would consider returning the apartment, but then refused, saying that the person who financed the purchase already sold property to make it possible. P/ demands the apartment back with the following claims: the price paid was *ona'ah* (unfairly low); as the owner, p/ had the first right to buy the property from the court (*dina d'bar metzra*); def cannot back out of his oral agreement to undo the sale (*mehusarei amana*): p/s mother, who does not owe money, is the apartment's true owner.

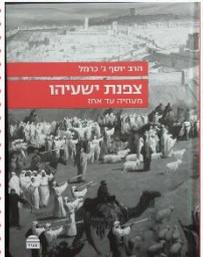
Ruling: This week we will deal with the main issue, which p/ calls *dina d'bar metzra*.

This case is not governed by *bar metzra*, which means that a seller should give the first chance to buy to a neighbor, who can maximize benefit, and after the fact, the neighbor can transfer the sale to him. Here we are not talking about a sale, but taking the property as payment of a debt. There too there are *halachot* of *lifnim mishurat hadin*, but that is called *shuma hadar*, i.e., the debtor who had his property taken can pay the debt with money and get his property back (Bava Metzria 35a). In this case, p/s claim may be even stronger because p/ demanded his property before def took full control.

The classic case of *shuma hadar* is when the creditor himself took the property as payment, so he can be told, "The debtor is giving you the money you deserve, so why should you keep his property?" The *gemara* says that if the creditor sold the property to someone else before the debtors request, the debtor cannot claim it from the buyer, because of the latter's specific interest in it.

How do we treat our case, where the buyer did not buy it from the creditor but from the debtor, through the court's intervention? Logically, the reason to not say *shuma hadar* applies, as def had interest in buying this property (see Dei Hashev, p. 65). There are sources (including Shut Beit Ephrayim, Choshen Mishpat 58) which speak about avoiding *ani mehapech bacharara* (preempting someone with precedence from acquiring). However, that does not apply here because p/ had several opportunities to obviate the need to have his apartment sold, so that p/ cannot have claims against def.

Therefore, def is not required to return the apartment to p/. According to one *dayan*, because there is a good chance that def received a particularly good price, he bought the apartment as an investment, and he might have not given p/ as much opportunity to get it back as he should have, def is recommended to voluntarily allow p/ to get it back with a modest profit for def.



**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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