



HEMDAT YAMIM

Parashat Hashavua

Shemot, 21 Tevet 5783

Harav Shaul Israeli zt"l
Founder and President

Interactions between Yehuda and Yosef over the Generations – part I

Harav Yosef Carmel

Sefer Shemot informs us of the leadership upheaval that occurred while Bnei Yisrael were developing as a nation in Egypt. In *Sefer Bereishit*, the struggle for leadership is between the half-brothers Yosef and Yehuda. *Shemot* starts with a new chapter in the national story, as Egypt goes from a king who was very close to Yosef to one who did not recall Yosef.

The midwives who stood up to Paroah were, according to the *midrash*, from the tribe of Levi (Yocheved and Miriam). The important couple, who *Chazal* also said were leaders and of course were the parents of Moshe, are again Yocheved, and her nephew Amram (see Shemot 6:20), daughter and grandson of Levi, respectively. Their three children were all critical leaders. These are all from the children of Leah, like Yehuda.

When Yehoshua became Moshe's "youngster"/assistant, and then later was appointed his successor as leader, there is another change between the apparent supremacy of one family as opposed to the other. Yehoshua is from the tribe of Ephrayim, the choice son of Yosef. Did Yehoshua interact with a parallel leader from Yehuda, Leah's choice son for leadership?

The climax of the tension between the disguised Yosef and his brothers is introduced with "Yehuda approached him (Yosef)" (Bereishit 44:18). When Kalev ben Yefuneh approached Yehoshua to ask for fulfillment of the divine promise that he would receive Chevron, the *pasuk* says: "The Sons of Yehuda approached Yehoshua..." (Yehoshua 14:6). We treat these reoccurrences of phrases as a "footnote," telling us to view both sources together.

Yehoshua and Kalev were co-opponents of the plot of the spies, who were called "princes" and "heads of Bnei Yisrael" (Bamidbar 13:2-3). Yehoshua represented Ephrayim, and Kalev did so for Yehuda. The fact that Moshe chose the former rather than the latter as his successor is a victory for the camp of Yosef, in a competition that begins in *Parashat Vayeishev*. Much of the time, Yosef was on top. The brothers had to plead with him to spare their lives (Bereishit 50:18), and it is Yosef who gives instructions to prepare for the liberation from Egypt (ibid. 24). Therefore, it is not surprising that his descendant would lead the entrance into the Land.

Despite this and the fact that Yaakov refers to Yosef as "the crown of his brothers" (ibid. 49:26), Yaakov's prophecy is that Yehuda will be the ultimate leader (ibid. 8-9). Yehuda's blessing is passed on through Tamar's first born, Peretz, to his son Chetzron, and it would seem to be destined for Kalev (see Divrei Hayamim I, 2:6-9 with Rashi and Radak). Naval, a competitor of David and a descendant of Kalev, stakes his claim to leadership on this fact (see Yerushalmi, Sanhedrin 2:3). This is furthered by Kalev's marriage to Miriam (the complicated genealogy is beyond our present scope), who was promised, as Puah, a house of monarchy (see Sota 11b).

Some of these identifications raise questions, as Kalev does not seem old enough to have a son, Chur son of Miriam, who had a leadership role right after the Exodus (see Shemot 17:10). We have a similar question about age about the *Mishkan's* engineer, Betzalel. We will investigate these next week. In the meantime, we must remember that unity is crucial in bringing full liberation; struggles between brothers are destructive.

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Ask the Rabbi

by Rav Daniel Mann

Differences of a Second Marriage

Question: At a second marriage for both *chatan* and *kalla*, what is different from at a regular wedding?

Answer: The following is an overview, regarding a second marriage for both *chatan* and *kalla*; some differences depend only on the *kalla*'s status. Some issues are affected by details or sensitivities, especially regarding issues that are less halachic or are the subject of *machloket*. A couple would discuss these matters with their *rav/mesader kiddushin*.

Tenaim – Many do not require a written *tenaim* document (see Hanisuin K'hilchatam 17:8).

Ketuba – A *kalla* who is not a *betula* receives half of what a *betula* receives for all three of a *ketuba*'s monetary elements (Shulchan Aruch, Even Haezer 67:1), and her status is referenced in certain places in the *ketuba*. Certain variables, especially not widely known facts (e.g., adoption, conversion), raise sensitivities during the public reading of the *ketuba* between the *kiddushin* and *nisuim* parts of the ceremony. The *minhag* of many is to not read the *ketuba* at a second time marriage (see opinions in Hanisuin K'hilchatam 17:24 and Nitei Gavriel 51:7).

Veil – The *kalla* going to her *chupa* with a veil is the sign of the wedding of a *betula* (Ketubot 15b), and the *chatan* covers her at “*badekin*.” There is no *badekin* at a second marriage (see Rama, EH 55:1; Chelkat Mechokek 55:8), although some have the *minhag* that someone else puts the veil on her under the *chupa* (Nitei Gavriel 51:3).

Chupa Location: The *chupa* is done inside and not under the sky (see Pitchei Teshuva, EH 62:1; Aruch Hashulchan, EH 55:24).

Yichud (the couple's seclusion) – According to many (see Rama, EH 55:1), the *nisuim* is accomplished by *yichud*. Therefore, it is especially important that the *kalla* not be a *nidda*, which would prevent full *yichud* (Nitei Gavriel 51:10).

Minhagim that are unchanged: *chupa*, breaking of the glass, ashes on the *chatan*'s head; *kalla* circling the *chatan*.

Level of Revelry: The recommendation of *poskim* and the *minhag* is that, while joyous, the second wedding is less elaborate, which can find expression in several areas – Many do not have a band (Aruch Hashulchan *ibid.*); the food is less extensive (Hanisuin K'hilchatam 17:29); the *kalla*'s dress is less elaborate (Nitei Gavriel 51:2). These are general guidelines, not halachic dictates.

Participation of the couple's children – Many have the *minhag* that their children not take part in the *chupa* (Nitei Gavriel 51:9). The decision should be left to the children (if old enough), without the couple's pressuring or reading into their decisions.

Sheva Berachot – *Sheva Berachot* under the *chupa* are standard, but at meals, it is complicated. The *gemara* (Ketubot 7a) says that for such a couple there are *sheva berachot* for only one day. There are three feasible and supported possibilities what one day means (see Rosh, Ketubot 1:13 and its analysis in Chelkat Mechokek 62:6 and Beit Shmuel 62:5): 1) the first meal; 2) any meal eaten the first day; 3) it must be both the first meal and on the first day. The main differences are: A. After a night wedding, can there be a party with the *sheva berachot* recited the next day? B. If the *chupa* takes place at the end of the day and the meal takes place at night, are there *berachot* at the end of the wedding meal? The general approach is that there is doubt in these test cases, and we do not make *berachot* in a case of doubt (Beit Shmuel *ibid.*). Therefore, it is best to time things wisely. The Pitchei Teshuva (*ad loc.* 10) and Aruch Hashulchan (EH 62:33) cite opinions that if the *yichud* is at night, then even if the *chupa* was before, they can recite *sheva berachot* at night. The Ezer Mikodesh (to EH 62:6) is unsure if this is correct. If the meal was well underway during the day, *sheva berachot* can be recited at its conclusion at night (Aruch Hashulchan *ibid.*; Hanisuin K'hilchatam 17:35).

Time together – The couple is supposed to spend happy time together, as opposed to going to work, for three days (Ketubot 7a). The *kalla* is able to allow the *chatan* to return to work early (Rama, EH 64:2).

“Behind the Scenes” Zoom shiur

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Igrot HaRe'aya - Letters of Rav Kook

When Should *Mitzvot* Cease to Apply? – #140 – part II

Date and Place: 27 Iyar 5668 (1908), Yafo

Recipient: Rabbi Shmuel Alexandrov. Alexandrov was a *yeshiva*-trained scholar, who was an autodidact in languages, philosophy, and science. He was a very independent thinker who at times angered the *Maskilim* and at times angered traditional rabbis. He was a member of the Mizrachi movement and tried, over the years, to recruit Rav Kook to take a leadership role within that movement. This is one of many correspondences between the two on matters of Jewish philosophy.

Body: [Last time we saw that Rav Kook posited that all should agree that there are stages of the World to Come when *mitzvot* will apply and others when they will not, but that it is nonsensical to assume that in their time, they had reached anywhere near such a stage.]

This mistake, to think that the world is perfected, at a time that it is still full of impurities that need refinement and further refinement, [is the type that] costs a “high price of tuition.” In a few periods, this phenomenon already occurred. Special individuals, who indeed were great men of morality, extrapolated from themselves onto the rest of the world or based themselves on a certain element of light, at a certain uplifting time in the nation, and assumed that it was a constant thing. Based on these things, they tried to hasten the End of Days and tried to abrogate set obligations that apply to actions according to values set for certain stages in the world.

These people’s mistakes were always revealed by means of many painful events. Then, the world returned to “spin on its axis,” and the practical flow of history and spirituality returned to normal, advancing slowly in spirituality by following the practices of the Torah. One is elevated specifically by a slow movement to a high point of development.

A solid thought process would teach differently than [the spiritual but misguided people we have mentioned]. First, the unusually spiritual, who might have been elevated by the set obligations [of the Torah] or who might have been impacted by special times, should not judge the rest of the world as if they are also on the same spiritual level. To the contrary, the spiritual elite should connect themselves in a thousand ways to the masses, as the spiritual maladies that generally afflict the masses may afflict the elite to some degree or at some inopportune time, even when one is strong, based on the flow of life. Therefore, even the most special people or people at the most special times, should not jump in and destroy or weaken the set obligations. Rather they should bear their burden with love and draw out from them the dew of life for the sake of the good days that will come, when they are to come. This will be when the light will be so full and shining that there is no doubt that the time has arrived, as will be testified about by the form of life, internal and external, when the world will be full of truth and song.

However, as long as evil is greater than good and darkness is greater than light, every leader has the obligation to warn the nation about the path of light and intellect. That is to love set *mitzvot* and the obligations that apply to all, such as morality as it applies to the masses and indeed all of humanity, and the specific obligations of our nation, from minor to major. This will create a complete national unity, which will be best able to light the internal light of free and supreme morality, which we desire.



**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

Was the Garden Included?

(based on ruling 82073 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The defendant (=def), a land development company, sold rights to land for a housing unit to the buyers (=byr) for 270,000 NIS. On the contract, on top of the blank next to the number of units, the handwritten word “garden” appears. Par. 7 of the contract says that all additions to the apartment, including gardens, belong to def unless otherwise specified in the contract. The contract and payment were handled by the organizers of a buyers group (=obg), who took many of their members’ signed contracts to def for signing. After the initial purchase, def demanded of byr an additional 70,000 NIS for the garden. Five years later, byr entered an agreement to transfer their rights in the unit to the plaintiffs (=pl). The agreement between byr and pl requires pl to pay the remainder of byr’s obligation to def – 158,800 NIS, “which includes an additional 70,000 NIS for the garden in addition to the 270,000 NIS found in the sales contract.” Pl gave this money to obg, who gave it to def. In the contract between byr and pl, par. 5 requires byr to provide pl with def’s confirmation that byr is able to transfer rights to the unit + garden to pl. Pl also had to sign a letter to def to accept byr’s obligations. Pl is demanding 70,000 NIS back from def, for receiving extra money. Pl claims that only because byr did not want to enter litigation with def did pl agree to pay the extra money, but the 70,000 NIS was not due and that he signed the letter of obligation only because it was the only way to get def’s cooperation. Def brought testimony from obg’s relevant worker that 270,000 NIS was the set price without a garden and that obg may have written “garden” to identify what type of apartment byr wanted, not to say the garden was included in the 270,000 NIS price.

Ruling: Since pl is attempting to extract money already paid and also obtain a garden, the burden of proof is upon him. The addition of “garden” to the contract is not sufficient proof, as def’s explanation is reasonable. If the word were of such significance and was to override par. 7, its addition would have required initialing by the sides, as other important additions in the contract had.

Additionally, we view the letter of obligation as byr’s admission that def had the 70,000 NIS coming to them, or there should have been a clause where they clarified that it was not. Since the two sides to the original contract agree to its interpretation, the intention of the sides overcomes the document’s simple meaning.

Both sides agree that had pl not signed the letter of obligation, def would not have given its confirmation of the conditions of byr’s purchase, through which pl could gain ownership via byr. Since def gave it only on the assurance that pl would pay the 70,000 NIS for the garden, pl cannot now back out of it. Although there are times when one making an apparent admission can claim that it was made with sarcasm, this cannot be done when the recipient of the admission loses money as a result, when the request of money is reasonable, or after the one admitting already paid (see Shulchan Aruch, Choshen Mishpat 264:6-8). Pl fails all of these conditions.

Therefore, pl does not deserve return of the 70,000 NIS.

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