



HEMDAT YAMIM

Parashat Hashavua Beshalach, 13 Shevat 5783

Harav Shaul Israeli zt"l
Founder and President

Interactions between Yehuda and Yosef over the Generations – part IV

Harav Yosef Carmel

[We have seen that the descendants of Kalev opposed the choice of David as the king among the tribe of Yehuda. Now we will see why they were wrong.]

The attribute of kingdom is the last among seven important characteristics in Jewish thought. There is a kabbalistic idea that a king having nothing of his own. Therefore, we can conclude that the basic quality of a king is to be humble. Humility can come on different planes. We will present one example where this finds expression.

Yehuda received kingdom for the tribe that came from him because he approached the then disguised Yosef and agreed to give up everything on behalf of the important value of unity between the brothers. In an effort to receive atonement for the sale of Yosef as a slave, he was ready to volunteer to serve as a slave for the viceroy of Egypt in order to free his younger brother Binyamin from that fate and enable him to return to his father. Yehuda was willing to give up even his ability to rule over himself and control his life in order to create a life of morality, bereft of selfishness or elitism. He was willing to become a nothing.

As we have seen in previous installments, Kalev asked for the land around Chevron, which Moshe had promised him. He also hinted at his expectation of leadership and even referred, in talking to Yehoshua, to what Moshe had said "about me and about you," putting himself before Yehoshua. However, even as great a man as Kalev, who relied on Hashem without fear from the challenges of conquering the Land, including the giants, needed a basic building block of the level of leadership he sought – humility.

This is in contrast to the person from the Tribe of Yehuda who ended up receiving the kingdom, David. David said: "I am a worm and not a man, a disgrace of a person and despised by the nation" (Tehillim 22:7). The *gemara* (Chulin 89a) praises Bnei Yisrael as possessing the attribute of minimizing their self-value even when Hashem bestows greatness upon them, and they give the above *pasuk* as evidence of that trait.

The kingdom of mankind is liable to weaken regard for divine dominion, and monarchal humility minimizes this danger. For this reason, Yishai describes David, whom he had not presented to Shmuel, as "the small one was left" (Shmuel I 16:11), even though David was not the youngest of Yishai's sons. Rather he was the one who treated himself as the least significant. It is therefore not surprising that we never find David putting his personal interest before that of the nation.

Two *mashiachs* will liberate Israel on the "appointed day" – *Mashiach* the Son of Yosef and *Mashiach* the Son of David. These are representatives of what the prophet Yechezkel calls the "tree of Yosef" and the "tree of Yehuda."

When we need to choose a leader, we must look for a person who is capable and has proven that he acts in the way that is needed. This is a primary requirement. Among those who meet that requirement, it is necessary to choose the "small one," who minimizes his own persona and certainly does not try to lower his competitors' stature. A proper leader values the needs of the nation over his own!

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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

How to Tell When Your Tefillin Need Adjustment

[Periodically, we re-issue our discussion on the proper position of tefillin shel rosh (last time, seven years ago). Many people do not realize that tefillin extending too far forward is a far more severe problem than being slightly off center. In *Living the Halachic Process, I:G-1*, we develop the halacha that the end of the tefillin must not go beyond the roots of the hair of the hairline.

Upon visiting different shuls, from various elements of society, it pains me to see great numbers of fine Jews who are definitely donning their tefillin wrong and many others about whom it is hard to tell, especially when they have receding hairlines. Since even some talmidei chachamim get it wrong, I assume that knowing how to apply the halacha to one's head is a big problem. We will focus here on tricks to figure this out.]

Question: How can one tell when his tefillin shel rosh needs adjustment?

Answer: Firstly, an adult who has not adjusted his tefillin shel rosh's knot in several years almost certainly needs an adjustment. Tefillin straps stretch slowly as we apply pressure to them (some more than others) when fastening the tefillin on our head. If one's hairline has not receded, he can easily check.

Now, a little review of the anatomy of a normal human head. The skull is highest towards the back of the head; it then gradually slopes down. Near the front of the head, the slope increases, and then turns into a "cliff" (i.e., the forehead). The hairline ends at the end of the gradual or the midst of the increased slope. No hair (except eyebrows) is rooted in the forehead.

Based on the above, the following are signs of misplaced tefillin. If the end of the tefillin looks like it is "hanging off a cliff," it is certainly much too far forward, as a line drawn down from the end of the tefillin would hit the forehead or even the nose. Because of the increased slope, there may be a little space between the bottom of the tefillin and the head. However, if there is too much room (i.e., a finger fits in comfortably), it is very likely not in the right place.

Another sign is the tefillin's angle. The angle is determined primarily by where the tefillin are fastened to the head by the straps – at the back of the tefillin. Generally, tefillin in the right place will be upright with a slight downward slant. If the tefillin has a serious downward-facing angle, it is generally (unless one has a rounder head than most) too far forward, so that its rear is where its forward part should be (on the steeper slope). Thus the tefillin's front will be too far forward, unless the tefillin are very small.

A final sign is the kippa. With average size kippot and tefillin, there should be little or no room between the two. One with a particularly large kippa or who wears it on the top of the head (as opposed to part top/part back) will have to move the kippa back.

When I look around many of the shuls I regularly daven in or visit, I see many too many people with apparent (or definite) problems in this regard. Among the older generation, I would estimate that the problems are in well **above 50%** of the people. As I HATE correcting people (and most hate being corrected), I am torn as to when the rectifiable problem is clear enough to halachically/morally require me to do the uncomfortable. The following limud zechut decreases the problem. Most people put the tefillin at a certain position and push it forward in the process of fastening. Thus, some of those who keep the tefillin too far forward had it in the right place for a few moments after the beracha (so that it is not l'vatala) before the fastening was complete, and thereby may have fulfilled the mitzva for that short time.

More people should learn how to shorten the circumference of the head strap, which is necessary for the tefillin to stay in the right place. You are invited to visit me or ask a sofer. It may be easier to Google search: "youtube tefillin head adjust." Then, you can help yourself and your friends.

"Behind the Scenes" Zoom shiur

Eretz Hemdah is offering the readership to join in Rabbi Mann's weekly Zoom sessions, analyzing with him the sources and thought process behind past and future responses. Email us at info@erezhemdah.org to sign up (free) or for more information on joining the group.

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

Our National Sleep – #140 – part I

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: About the *yeiush* (despair; apparently, Alexandrov complained that the Jewish people's outlook was overly gloomy), you have exaggerated the matter. It is true that our stature is diminished by a large measure, whether it be regarding the masses or the elite in the nation. However, when we look well at the matter, we will see that the solution to the diminishment is in the renewal of the loftiest life that our nation can look forward to.

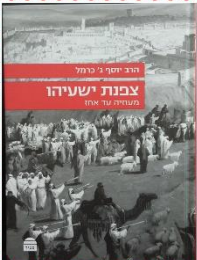
The state of sleep in a living organism, especially in humans, causes the powers of the body to focus on the inside. In that state, logic and the senses do not work. What does work, and in a diligent manner, is the lower physical functions, and imagination works unimpeded. Wise and righteous people are exposed to spiritually elevated dreams, with visions of great importance, which excite the heart. This is on a level that is beyond what a person can sense awake. When a person starts to awaken, the imagination diminishes as does the more spiritual attainments, and powers of lower physicality weaken before the abilities of logic and full control of his senses and body return to function. At this time a person is groggy and is full of emotions that are similar to being burdened and in despair. One who is diligent will awaken like a lion when it is still very early, but even a brave man will not be able to escape from moments of weakness.

[These matters are parallel to the] stages in national history. We slept a deep sleep in exile, at which time the national senses were almost fully dormant. The "utensils" of activity and work, logic and knowledge, in relation to national matters, were not in use. On the other hand, the powers of lower life were fully active. This includes a strong feeling of connection to the nation, which is a leftover from the divine light that was put in hiding, which was able to work powerfully even though it was on a reduced level.

Among the masses, the imagination played tricks, providing both pleasant and bitter dreams. Uniquely wonderful people saw lofty visions, based on eternal truths that lead in all matters. This is the way hundreds of years of slumber have transpired, and now the approaching of the end of days has but begun the process of reawakening. The eyes have opened, and we have begun to see clearly the world that surrounds us. The power of the "lower life," which is represented by sleep, has for the most part stopped. The period of widespread imagination has passed, as have the lofty, holy people. At this moment in history, we are in a state of weakness.

However, everyone should be able to see that this situation will not last for too long, but rather there will be a process of increasing light. Other nations did not require a period of sleep because they did not have such a long national life, which would weigh them down to that extent. Rather, when they became tired, they slept forever.

In contrast, about us it says: "I have lied down and slept; I have woken up because Hashem has supported me" (Tehillim 3:6). After a lot of toil, in the war of a life of materialism and spirituality, we slept, and it was an unpleasant sleep. However, on the inside, the storehouse of great life, which is the source of our national life, unique and of importance, remains.



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

Car Accident – part II

(based on ruling 82016 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The plaintiff (=pl) dropped off his children and started a three-point turn, and the defendant (=def) hit pl's car. Pl sold the car for 3,000 NIS, rather than fix it. Since the car had been worth, based on the catalogue of used cars, 11,000 NIS, pl sued for 8,000 NIS. Additionally, pl sued for 2,600 NIS for the possible raising of his insurance premium if the courts incorrectly blame him. Pl claimed that he was well into his turn when def, who was going at a slow but steady speed and was looking elsewhere, hit him. Def claims that he was driving normally when pl apparently pulled out suddenly from perpendicular parking, not giving him chance to react. Def has a Mobileye anti-collision system, and the fact that it did not react proves that pl pulled out suddenly.

Ruling: [Last time we dealt with basic principles and the possible complications of the insurance company's refusal to accept beit din's ruling.]

Poskim posit that traffic laws are relevant in determining culpability. This can be either based on societal acceptance (Chishukei Chemed, Bava Kama 31a), the law of the land (Techumin XIX, pp. 258-270; our ruling 71004), or just helping to determine who went against the norm (Pitchei Choshen, Nezikin 1:(71)).

According to pictures taken after the accident, pl's car had turned around 45 degrees and about a quarter of the car was still within the perpendicular parking area. Def's car was in its lane. This, along with the place of collision being corner to corner, support def's claim that pl unsafely entered the street's driving lane. On the other hand, it is also possible that, as pl claimed, that he started to make a three-point turn, giving def, whom he saw, enough time to stop, but def did not notice him. Rule 44 of the traffic laws states that one may not turn around and thereby enter the opposite lane if it causes a disruption of the traffic or a danger. Rule 64 is even clearer regarding care that must be taken when pulling out of a parking space. This implies that the obligation to be careful is more incumbent on the one entering a new lane. Therefore, in this case we can determine that pl acted "without permission."

According to pl, def also acted without permission, as he was looking elsewhere and not on the road. However, pl has no proof, and there is no clear reason to think def was looking elsewhere (it was his own street). It is not clear that pl was even able to see def's face. Def would have to take a Rabbinic oath that he was concentrating on the road, in lieu of which, batei din make compromises, in which their evaluation of the situation plays a role. Members of the beit din reasoned that there is no need for a compromise in this case. For one, pl definitely acted improperly, and we do not know about def, and there is an assumption that people drive responsibly. Also, according to the Shulchan Aruch (see last week), def has the advantage in that all agree that pl saw def and def did not see him. Therefore, def is exempt from paying for damages to pl's car. For the same reasons, def is exempt from any raising of pl's premium..

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