



Harav Shaul Israeli zt"l
Founder and President

Love and Jealousy within the Family

Harav Yosef Carmel

A *midrash* (Vayikra Rabba 26:7) sees in the opening of our *parasha*, "Say to the *kohanim*" (Vayikra 21:1), an answer to the question as to how the first king of Israel could suffer such an ignominious death in battle. The answer is that what Shaul did to an important group of *kohanim* – killing the residents of Nov, the city of *kohanim* – made it fitting that he should be killed as he was.

How could Shaul, who was, for much of his life, a great man, come to destroy such a distinguished spiritual center as Nov? When Shmuel anointed David as king, Shaul became affected by a depression referred to as a "bad spirit" (Shmuel I, 16:14). David was invited to play music for Shaul, and the *navi* writes that "he loved him" (ibid. 21). Because other *p'sukim* indicate that Shaul, at this early stage, did not know who David was, we will assume that the *pasuk* means that it was David who loved Shaul.

Indeed, we see throughout the development of the relationship that David loved Shaul. After David failed to act on his opportunity to kill Shaul in self-defense at the cave, David called out to Shaul to highlight his decision and called him, sincerely, "My father" (ibid. 24:12). At that point, Shaul also responded in kind, calling David "My son" and crying (ibid. 17).

This view of Shaul as a father figure could have been therapeutic, as David was, to an extent, banished from his own parents' home, as it says: "For my father and mother shall abandon me" (Tehillim 27:10). This was also a consolation for Shaul who understood that his biological son Yonatan would not merit to sit on his throne – at least his "adopted son" should be able to do so. However, the "bad spirit" that had overcome Shaul did not allow him to continue to look at it in this light. For that reason, the kindness of the *kohanim* of Nov to David appeared to him as betrayal in favor of a rebellious son. The tension created by Shaul's conflicting emotions of love and hatred towards David tore Shaul apart. Betrayal from within the family is especially painful.

When Shaul gave away his daughter Michal, who had married David, to Palti ben Layish, it convinced David that he was no longer seen as a son or a son-in-law, but as a rebel to be killed. In the next encounter in which David infiltrates and spares Shaul, Shaul still refers to David as "my son," but David no longer calls Shaul "my father" but rather "my master" (Shmuel I, 26: 17, 25).

The difference in the reaction to admittedly understandable mixed emotions shows another difference between Shaul and David. David's biological son Avshalom rebelled and tried to kill David, yet David's intention was to spare Avshalom's life. David also did not kill those who supported Avshalom against him, and he even appointed Avshalom's general, Amasa ben Yeter, as chief of staff of Israel in an attempt for unity. Shaul, in contrast, while seeing David as a son, could not hold himself back from trying to harm him, and even those around him. The *kohanim* of Nov could "tell us," as *Chazal* learned from the opening of our *parasha*.

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by Rav Daniel Mann

Does One Fix a Mistake in a Complex *Al Hamichya*?

Question: I ate cake and dates and therefore needed to say a *Me'ein Shalosh* that includes both “*al hamichya*” and “*al pri ha'etz*.” While saying the beracha, I forgot about the dates until near the end. At that point, could I have salvaged the beracha by adding “*al hapeirot*” at the end, or should I have finished the *beracha* just for the cake and then said a separate *beracha acharona* for the dates?

Answer: We start with the possibility you ended off with “*Baruch ata ... al hamichya v'al hapeirot (peiroteha in Israel)*.” As a rule, the determinant of a *beracha*'s efficacy is how it is completed (Berachot 12a). Therefore, presumably with such an ending, you would have been *yotzei*. However, some *poskim* say that in this case, it is **unclear** if fixing this long *beracha* only at its end will remedy the lacking opening (see Ot Hi L'olam vol. I, p. 35a; Petach Had'vir 208:20). Almost all *poskim* rule (see *ibid.*; V'zot Haberacha, p. 47) that after the fact, one should assume he was *yotzei* due to the proper ending, and not make another *beracha* on what he left out from the first *beracha*'s opening, as it would be *l'vatala* if he was previously *yotzei*.

Because of the doubt involved, some *poskim* recommend your second option – obviate the question by sticking to a simple *Al Hamichya*, and do *Al Ha'etz* afterward (*ibid.*). It is true that one is required to incorporate both elements that require a *beracha* in one *beracha acharona* (see Shulchan Aruch, Orach Chayim 208:12). Presumably, splitting them into two *berachot acharonot* without justification makes the second one a *beracha she'eina tzricha*. However, a major rule in *beracha she'eina tzricha* is that if the ostensibly extra *beracha* is needed to avoid a halachic doubt, it is no longer unnecessary (see Kaf Hachayim, OC 208:82). Still, though, if there is an easy alternative to obviate the need for an extra *beracha*, we should use it.

The Maharshag (I:53, cited and accepted by Piskei Teshuvot 208:19) indeed has the following simple solution, if caught in time. Go back to the place of the omission, fix it, and continue from there. Admittedly, after “... *rachem na Hashem Elokeinu*,” backing up means repeating Hashem's Name. However, even unnecessarily saying Hashem's Name in the midst of a long *beracha* is not nearly as problematic as saying Hashem's Name in what turns out to be a *beracha l'vatala*. For example, even though it is not critical to say *Al Hanisim*, if one remembered before he finishes the *beracha*, he goes back to say it (Shulchan Aruch, OC 682:1), even though this means that he repeats part of the *beracha*, including Hashem's Name. (See also Ginot Veradim (I:28) regarding R'tzei in *bentching* at *seuda shlishit* after nightfall.) According to the Maharshag, it is too late to go back only if he has said Hashem's Name at the *beracha*'s conclusion.

The Petach Had'vir (208:15, inspired by his understanding of the Magen Avraham 59:1) has a complicated explanation why it is too late to attach one's addition of that which he left out to the opening of the *beracha* with Hashem's Name. Therefore, he reasons that the best remaining option is to keep the *me'ein shalosh* focused on the cake and make later on the dates. While the Sdei Chemed (vol. VI, p. 319) and V'zot Haberacha (*ibid.*) endorse his basic approach, they discuss cases where he did not fix the *beracha* until close to the end of the *beracha* (confirmed by a phone call I had with the author of V'zot Haberacha), which might be what makes it improper to go back to the beginning. However, the Petach Had'vir's opposition is even from the “middle” of the *beracha*.

While it is difficult for me to decide between the opinions in this *machloket Acharonim*, the Maharshag's approach seems in line with more mainstream halachic rules. Therefore, I would recommend going back to the place of the omission unless he has said Hashem's Name at the end of the *beracha*. Apparently, the Petach Had'vir does not consider this a *hefsek*, and he agrees that one can assume he was *yotzei* even if we only count the inclusion of *al hapeirot* at the end.

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Moreshet Shaul

(from the works of Hagaon Harav Shaul Yisraeli zt"l)

Jewish Philosophy in Daily Life

Based on Siach Shaul, Pirkei Machshava V'Hadracha p. 250

[In the years that Rav Yisraeli was rabbi in Kfar Haro'eh, he taught Jewish Philosophy in the groundbreaking yeshiva high school, Midrashiyat Noam in Pardes Chana. The syllabus for this "new course" on the yeshiva scene became the basis for the book "Perakim B'machshevet Yisrael." In this piece, Rav Yisraeli addressed his students at the end of an "academic year."]

With a feeling of relief, you are sitting at this party and are enjoying the first "benefits" of the ability to breathe at ease. The period of work and sweat has passed; tests are completed; grades have been received. You can now lounge around with a mood of laziness and catch some extra sleep at a later than usual hour.

I want to share my personal thoughts with you. I would like to shake up the undoing of the tension [from the long year of study]. [On the obvious level,] the grades were received; but were they really received? This question is especially relevant in the topic that we have been involved in over the last two years – *Machshevet Yisrael* (Jewish Philosophy). You should remember that it was hard for me to give grades, and you would argue: "But we know the material!" You must realize that the main thing is not to know the material; the main question is to what extent *Machshevet Yisrael* turned into the way you think – Yehuda, or Moshe, or Shmuel. The real test will take place when you are in the swimming pool, or perhaps the ball fields, or the army base, or in the marketplaces of life.

This subject of *Machshevet Yisrael* has fallen into a difficult position – it is required to instill the spirit into the Torah, to reveal the light of the Torah, and to instill its soul into the soul of every student. After all, the Torah is part of the external framework of *mitzva* actions. Torah is indeed a guide to the life of activity. Our task today is the same one that stood before atomic researchers – to blast open the physical kernel and to return it to the energy from which it was formed. So, Jewish philosophy must demonstrate the light that is in the belief of the unity of Hashem, to inculcate in people the true essence of service of Hashem, and to explain that this service is not servitude but rather it is the full expression of our freedom.

It is also possible that you will be presented with the opposite task. Namely, it may be necessary to take the energy, and to return it to a practical framework, to apply it to different enterprises. This includes finding solutions for the most fundamental questions of life that arise and to operate in the public sphere in Israeli society according to this discovered spirit. It will not be sufficient to know the truth yourselves. We are calling upon you to do much more than that. You are called upon to blow a spirit of life into a downtrodden collective. If you do that, life will give you the grade you have earned.

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

Itamar Chaim ben Tzipora
Nir Rephael ben Rachel Bracha
Ori Leah bat Chaya Temima

Arye Yitzchak ben Geula Miriam
Neta bat Malka

Avraham ben Gitel
Tal Shaul ben Yaffa
Meira bat Esther

Together with all *cholei* Yisrael

P'ninat Mishpat

To Whom Do the Payments Go? – part I

(based on ruling 81075 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The plaintiff (=pl) and the defendant (=def), individually owned real estate development businesses, jointly organized a group to win a tender for dozens of apartments. Pl was to be the management company (=mc) for the building stage for 9% of apartments' cost and in charge of the legal work; def was in charge of marketing. Pl and def had originally agreed to divide the profits from the initial investments, 75-25% in favor of def. After winning the tender, many of the group members (=ob) wanted to sell their rights. Def found a large, united group of new buyers (=nb) to take their places, but nb demanded to use a management company of their choice (=mc2). Pl wrote up a contract requiring nb to pay 32,000 NIS and ob to pay 24,000 NIS, to an account under pl's control. In practice, some of nb paid def and most paid pl; none of ob paid anything. Pl is demanding that ob pay him as stated, and for def to pay him 25% of the money he received. Pl argues that def relinquished rights to payment, as finds expression in the new contract, out of fear that the project would collapse. Also, pl claims that 140,000 NIS he gave def was a loan, and so he wants it back. Def demands 75% of what pl collected. Def claims that the 140,000 NIS was given as a first payment for his part. Def also gave pl a receipt for 400,000 NIS that pl promised to give and did not.

Ruling: [We will start with the minority opinion.]

In general, the written contract takes precedence over the albeit more reasonable claims of def that the funds pl received should be split. The advantage of the written contract is a basic principle (see Shulchan Aruch, Choshen Mishpat 68:2; ibid. 45:3), and it states that the money is to be given to pl. This is strengthened by the agreement between pl and mc2 that gives pl rights of compensation for relinquishing the right to be the mc.

On the other hand, despite the signatures of ob on an obligation to pay pl 24,000 NIS, we will not honor that ostensible obligation. First, it makes no sense that people who were by agreement and by plan being replaced on the project at such an early stage would have to pay a significant amount toward future management fees. All of the many ob who came testified in a manner that convincingly demonstrated their shock that they were being sued for 24,000 NIS. (The fact that def agreed to pay in their place if they were obligated increases their credibility.) Def explained that there was a need for false documentation that equated between ob and nb, in order that the tender not be rescinded, and this is logical considering the legal steps taken city-wide.

Although we do not know the exact background for the partial payments and receipts between pl and def, the fact that pl received receipts and used them to receive serious tax reductions is the equivalent of a kinyan to obligate pl to def for the amounts of the receipts. Therefore, pl must complete the 400,000 NIS payment. On the other hand, this does not exempt def from giving 25% of the funds he collected to pl based on the previous agreement, which def admits is functional.

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