



HEMDAT YAMIM

Parashat Hashavua Bereishit, 22 Tishrei 5783

Harav Shaul Israeli zt"l
Founder and President

From the End to the Beginning
Harav Shaul Yisraeli – from Siach Shaul p. 4-6

We again rolled the *sefer Torah* to *Bereishit*, after going forward for a year from “In the beginning Hashem created” to “before the eyes of all of Israel,” from darkness on the face of the world to the heights of the heaven. We go back from the doings of Moshe, who saw Hashem face to face, to the first light that broke forth over the void, as Hashem commanded, “Let there be light.”

Indeed, there is a tight connection between the divine revelation that found expression in the creation of the world and that which shaped world history, which reached its peak with the revelation at Sinai when Hashem gave the Torah. Each one teaches about the other. On the one hand, the first word of the Torah, “*Bereishit*,” teaches us that the world was created for Israel and for the Torah which were both called *reishit* (beginning of) (Pesikta Zuyrata 1:1). On the other hand, without the connection to “before the eyes of all of Israel,” there is no point to creating the world. A creation that does not know its Maker does not know itself or find the secret behind its existence, but remains in void. This is what characterized the world in its initial 2,000 years.

The world cannot appreciate its Maker without the giving of the Torah. The Kuzari (1:25) pointed out that the first of the Ten Commandments does not begin with “I am Hashem who created the world” but rather “I am Hashem who took you out of Egypt.” The G-d of creation is one that remains elusive, but rather the element of Hashem that we “get to know” is the One who is involved in the world and particularly in Jewish history. That is the logic behind Rabbi Yitzchak’s question that the Torah should have started with the first *mitzva* related to the Exodus, for through that event, the realization of Hashem entered our hearts.

The final goal of history and the giving of the Torah is to return us to the light of the seven days of creation, to show the connection between the world and its source. From “before the eyes of all of Israel,” we get to some sort of an appreciation of the creation of the heavens and earth.

Hashem commanded: “Let there be light!” The world did not come about by some sort of blind struggle between great powers without a purpose. The ex nihilo creation was the Divine Will and done by Him, so that the purpose was already embedded in the Creation before man walked on the earth. It is not man with his intellect who will lead the world, but man is just one more creation who is subservient to Hashem, whether he realizes it or not. How much better is it for a person if he agrees to it willfully?!

The Torah teaches in great metaphoric form how the first human tried to break loose of his position of dependence. He strove to “be like gods” (Bereishit 3:5), which was the sin instigated by the venom of the snake, which wants to use the mind as a tool of the desires of the eyes and taste and separate the tree of life from the tree of knowledge. Mankind made this mistake over and over again (see Yeshayahu 14:14). In our generation, when we have the threats of nuclear weapons and inter-continental missiles, we see palpably the terrible danger of the separation between the tree of knowledge and the tree of life.

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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

Going to and from an *Aliya*

Question: Can you explain the details of how one should walk to an *aliya* and how and when he should return?

Answer: There are no direct Talmudic sources on this matter, but *Rishonim* and *Acharonim* apply general principles and parallel sources.

The Terumat Hadeshen (II:119) says that (assuming there are two openings to the *bima*) one should go up through the one closer to him. He mentions a Talmudic source that describes that procedure regarding entering the complex of the *Beit Hamikdash*, but later authorities (including the Gra, Orach Chayim 141:7) found no such source. The Gra prefers an approach that puts a premium on going to the right rather than the shorter path. This has sources in *Chazal*, as a *kohen* who goes up to the *mizbe'ach* normally turns right first even if it is longer (Yoma 45a) as does one who enters the Beit Hamikdash courtyard (Midot 2:2). The Chatam Sofer (Shut Orach Chayim 187) claims that even the Terumat Hadeshen believed in going to the right, just that he would position himself so that the closer way would be to the right. In any case, the Shulchan Aruch (OC 141:7) rules that going to the closer "opening" to the *bima* is the first priority, and only when they are equivalent should one go to the right side. The Mishna Berura does not cite those who argue, and this is accepted practice.

The Mishna Berura (141:22) cites two reasons for going the shorter way: 1. Honor of the community warrants the shortest wait possible for the *oleh*. 2. To show respect for the (*sefer*) Torah, by going to read it as directly as possible (brisk walking also honors, running does not – Mishna Berura 141:25). There are different potential *naftka minot*: 1. On Shabbat, due to *Mi Shebeirach* for the *olim*, there is plenty of time to get to the *bima*, but getting there quickly still honors the Torah. Possibly, going to the right would then be better than the shorter route, although this is apparently not the *minhag*. 2. Whether it is permitted to walk the longer distance more quickly (Torah Lishma 57 cites precedent for the shorter path being a real advantage even when it is not done more quickly).

It is unclear whether in calculating the short path, we should consider the fact that the *oleh* stands right of center of the *bima* and if coming from the left, he may have to maneuver around the *ba'al korei*. The language of the Shulchan Aruch implies that the distance from the *bima* is the determinant, and that seems correct regarding the element of honor. In rooms where the *bima* has no partitions and thus openings, a beeline to the place the *oleh* will stand seems ideal.

Chayei Halevi (I:18) points out that the *minhag* is that the *chazan* approaching the *bima* with the *sefer Torah* always goes to the right. He explains that this is correct because the *tzibbur* is not waiting for an individual, the *chazan* is not going **to** (but **with**) the Torah, and because the *bima* is almost always in the middle (making the right side the "tiebreaker"), we are consistent.

After finishing the *aliya*, there are two reasons to prefer taking the opposite side (Shulchan Aruch *ibid.* and Mishna Berura 25). Going the long way shows "reluctance" to leave, and there is a precedence for leaving holy places from a different side than one came in (see Yechezkel 46:9).

As far as timing, Sephardim leave the *bima* after the ending *beracha*, but Ashkenazim wait longer. The Rama (OC 141:7) states that it is until after the next *oleh* makes it to the *bima*, so as not to leave the *sefer Torah* "unattended." The Mishna Berura reports on our *minhag* to wait after the next *aliya* so that one not miss some of the *laining* while walking back to his place. Based on the reasoning, it makes sense to leave before the next *oleh*'s concluding *beracha*, as hearing the *beracha* is both easier to follow and less important for the individual than the *laining*. However, the Chayei Adam (I, 31:10) implies that it is better to wait until after the *beracha* to hear it properly. It also seems that people like to wait to wish *Yasher Koach* to the next *oleh*, and it is hard to argue with good manners.

"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.



Igrot HaRe'aya - Letters of Rav Kook

Letter to a Brother – #125 – part I

Date and Place: 3 Adar II 5668 (1908), Yafo

Recipient: Rabbi Dov Ber Kook, Rav Kook's younger brother, a rabbi in Russia, at the time.

Body: After a long time of hoping to be able to read the sweet words written by your right hand, dear brother, we received your postcard. It is like we are used to doing; we are like rich people who skim when it comes to letters, but this too brought us contentment. I thank Hashem for the peace you are enjoying. I call upon you, my dear brother, and I include myself in the request, that the time has come that we stop being lazy. It would be better off if we benefitted one from the other's counsel and wisdom, whether with a short or a long letter, as time permits, and to refresh our spirits from time to time with letters of friendship and brotherhood, not the letters of colleagues who barely know each other.

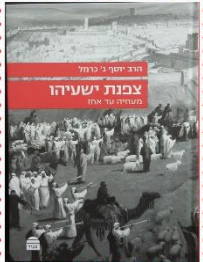
Although I could claim a fair share of good excuses [for not writing enough], I do not want to vindicate myself fully. A lot is caused by physical weakness, and more is caused by weakness of the spirit, which is a moral blemish, which one can heal if he chooses to do so. It is simply necessary to repent from the sin of withholding good from one's counterpart, may Hashem grant me atonement.

My dear brother, you should not think that my claims of being under pressure are exaggerated. I am truly under pressure from a great yoke, both the yoke of actions and the yoke of thinking and planning. My thoughts churn when I see the broad plane [of matters that require tending] of true service of Hashem, on behalf of our nation, our Land, and the light of the world. Laziness prevents much good from getting done, as does heaviness of the limbs and heaviness of the spirit.

There has recently been a change for the better here, in the happenings of our *beit din*, as a *dayan* (Rav Zalman Shach, who was later killed in 1929) was added, and he is an exceptional scholar and a well-liked man. I hope this will lighten my practical load somewhat. I have begun to become more involved in the "Shomrei Torah" organization, which I had originally not done because I was concerned that the difference in philosophy would be a problem. I hope, though, that things will continue to improve in this regard.

In the Shaarei Torah school here in Yafo, I authorized the establishment of a department for vocational study, which is growing. I hope that this will give honor to the religious community, and let the public know that we are interested in the practical building of the Land. They are already occupied with producing metal cabinets for storage rooms, which are of no less quality than those that are imported from Europe. The logo of "Shaarei Torah Workshop" will be proudly displayed on them. I am of the opinion that we should be proud of this.

Regarding the *yeshiva*, there are many ideas. The plan has made a major impact on the religious community of Germany. Rav Yitzchak Isaac Halevi, the author of *Dorot Rishonim* (see letters #103, 111) is close to joining the group of supporters, and he has a lot of influence in the West. The members of Mizrahi from that area are interested in joining the effort, and others are also favorably inclined to helping. However, the matter has to be started in a big way, as is appropriate for the honor of the Holy Land and the light of the Torah within it.



**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

Unpaid Rent during Corona

(based on ruling 81022 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: An organization (=pl) rented out a building to a *yeshiva* (=def). The contract called for reduced payment of rent (20,000 NIS monthly) but added that *def* was responsible to pay for renovations. *Def* closed during the year, due to the Corona pandemic, and did not finish rental payments. Also, upon moving out, *def* took with them some things (air conditioning, light fixtures) they had installed. *Pl* claims 85,000 NIS in rental fees, compensation for the things *def* took, and a penalty for late payment of rent. *Def* originally admitted owing money and asked for an extension until the municipality paid promised funds. Subsequently, *def* demanded a reduction in rent because they did not use the building during Corona. Regarding the things removed from the premises, they claimed they were mostly things that are not part of the building.

Ruling: Corona discount for the rent: *Def's* initial agreement to the rental payment is considered a binding admission of obligation, and therefore we do not accept the new claim of partial exemption. Furthermore, the exemption due to a *makat medina* (a broad problem that prevents use of something rented – see Bava Metzia 105b) does not apply here, because many *yeshivot* were able to use their buildings during the pandemic. Therefore, *def* has to pay the unpaid rental fees in full (85,000 NIS).

Payment for removed improvements: *Beit din* accepts *pl's* fundamental claim. First, the contract requires *def* to leave whatever they permanently installed into the structure, which applies to air conditioning and light fixtures. Secondly, the contract requires *def* to provide those things in the renovation for which they were compensated. That which was included in the contract is binding based on two *kinyanim*: 1. *Chatzer* – *pl's* property acquired that which was placed into in. Although there is a *machloket* of whether *kinyan chatzer* works with property that is rented out (see Shulchan Aruch, Choshen Mishpat 313:3 and *Acharonim ad loc.*), since the contract says that the provisions shall take effect "in the best possible way," we accept the opinions that it works. 2. *Situmta* (societally accepted finalization – see Shulchan Aruch, CM 201:2) – Whatever is stipulated in a signed, written contract is considered binding.

However, *beit din* reduces (by 8,211 NIS) the amount due on the air conditioning, as units that *pl* was to have received depreciate over the year (fixtures do not).

Late payment – The contract speaks of 400,000 NIS payment without the need to prove damage for delay in implementing the contract. However, *beit din* agrees with *def* that the lateness penalty is for *def* not leaving the building at the end of the contract, not for payment.

Cosigners: Since the *yeshiva* has folded and is unable to pay, the cosigners are responsible to do so. One cosigner claimed he did not read the contract he signed. It is not clear what he thought he was signing, and such claims are anyway non-starters (Shulchan Aruch, CM 45:3). The second cosigner agrees that he is obligated. The Shulchan Aruch (CM 132:3) brings two opinions on whether a creditor can extract the entire obligation from either cosigner. Since the matter is not clearly decided, *pl* must ask both cosigners for payment, and only if one does not pay, may *pl* demand the second half as well from the cosigner who paid.

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