



# HEMDAT YAMIM

## Parashat Hashavua

Beha'alotcha 14 Sivan 5783

Harav Shaul Israeli zt"l  
Founder and President

**Raising and Waving – This is Needed for Educators**  
Harav Yosef Carmel

The beginning of our *parasha* discusses both the raising up of light (Bamidbar 8:2) and the lifting up and waving of the *levi'im* (ibid. 11). The Torah prefers the language of raising up the light rather than kindling, which is parallel to the lifting and waving of the *levi'im*. The fact that Aharon was capable of raising and waving 22,000 *levi'im* one after the other was a sign of either incredible strength or a miracle (see Rabbeinu Bachyei ad loc.). But what is the connection between the two types of raising?

The light in the Torah correlates with Torah and wisdom. We find this explicitly in the following *p'sukim*: "For a commandment is a candle, and Torah is light" (Mishlei 6:23) and "A person's wisdom shall light up his face" (Kohelet 8:1). Light also represents the spirituality within the physical world. Thus, increasing light is increasing Torah, wisdom, and spirituality. Lighting a *menorah* in the *Mishkan* and the *Beit Hamikdash*, or as the Torah calls it, raising the light, is the adding of spirituality and the strengthening of the Divine Presence in the Sanctuary and through it, in the whole world. The more Divine Presence there is, the greater the light in the world until the world comes to its final rectification. This is in line with what Yeshayahu prophesied: "Nations will walk to your (Jerusalem) light and kings to the aura of your shining" (60:3). The *midrash* states on this: "Yerushalayim is the light of the world, and Hashem is the light of Yerushalayim" (Bereishit Rabba 59:5).

The *Mishkan* and *Beit Hamikdash* are not merely places in which it is possible to serve Hashem through sacrifices. Rather, they are meant to be spiritual centers that spread the light to Israel and to the whole world. This center increases the Divine Presence among Hashem's children and the whole world.

The *levi'im* help the *kohanim* in their service, but they are also tasked with teaching Torah to the whole nation. If the *kohen gadol* can be called the Minister of Education (see Bava Batra 21a about the educator/*kohen gadol*, Yehoshua ben Gamla), then the *levi'im* are the teachers under his guidance. In order for the educational system to work properly, the *levi'im* must be lifted up. They must be prominent for them to uplift the students of the nation and, through them, the entire nation.

The field of education must be a respected one. The desire is that those who will assume the roles of the nation's "elite units," who take on the challenges of society, should do so through choice. It should not be that people become educators because they did not get accepted to a more "attractive" track of studies.

One of the ways to attract teachers is to pay them respectably, which enables them to dedicate all the necessary energy and strength for the task of educating. Educators should be the "torch lighters" of the candelabrum of the nation. They should be put on a special pedestal of light spreaders.

May we pray that we will merit to raise the light and to kindle the flame in the souls of the students of Israel. This will cause light to enter every corner of society and will elevate everyone to the fullest.

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and members of his family who perished in the shoah Al Kiddush Hashem

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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

## Hinting One Does Not Want an Aliya

**Question:** As a guest to a *shul*, I received an *aliya* on Shabbat morning, and at *Mincha*, a different *gabbai* came over to me between *aliyot* to ask me my name. I told him: "I got an *aliya* this morning." He got the hint and gave it to someone else. Did I act properly, or was that considered refusing an *aliya*?

**Answer:** The *gemara* (Berachot 55a) lists "one who is given a *sefer Torah* to read and he does not read" as one of three things that shorten a person's life. One can see this not as a prohibition to turn down an *aliya* but advice not to, although, as people who seek life and take *Chazal's* ideals and advice as the basis of their actions, it may be equivalent. The Rif and Rosh (Berachot 9:4) cite this *gemara* as *halacha*. Therefore, your words, which apparently effectively turned down the opportunity to read Torah most classically (i.e., an *aliya*) needs justification; there are four grounds for leniency to consider.

The Rambam and Shulchan Aruch omit this "*halacha*," which arouses much discussion among *Acharonim*. One answer is that the *gemara* refers to the original situation, when the *oleh* also *lained* (Eliya Rabba 139:2), so that refusing an *aliya* was withholding teaching Torah, whereas for the last hundreds of years, refusing an *aliya* has no major consequences. This approach, though, is insufficient alone to allow refusing an *aliya*, as most *poskim* and the *minhag* follow the Magen Avraham (53:22) that the issue exists with even today's *aliyot*.

Several sources allow refusal when done with a good cause. This can have a fundamental justification – the problem is belittling the importance of Torah study, and therefore when one refuses for due cause, there is no belittlement (see Radbaz III:304; Torah Lishma 228). Alternatively, even if it is insulting to the Torah, sometimes the need leaves us with little choice. There is a story of Rabbi Akiva who turned down an *aliya* because he had not sufficiently prepared the *parasha* (see Tanchuma, Yitro 16), and the Mishna Berura (139:1) rules to follow this precedent. Another example is if one was called for an *aliya* after his brother (Sha'arei Ephrayim 1:33), and Shevet Hakehati (IV:50) justifies refusal to enable a pre-*yahrtzeit* to receive *maftir*. There is a *machloket* (see Torah Lishma 428 and Tzitz Eliezer, XIV:34) whether embarrassment of one who is too poor to offer an expected donation suffices for refusal. However, in your case, no one needed to be embarrassed – the *gabbai* didn't know and you need not be more than slightly uncomfortable lest someone think it is "not fair" you got two *aliyot*. *Poskim* were very against using a reason to refuse that is not convincing enough (see Lev Chaim III:12).

The third ground for leniency is the fact that the *gabbai* did not call you up but just demonstrated that he planned to. The Machatzit Hashekel (to Magen Avraham *ibid.*) claimed that the similarly sounding Magen Avraham and Kneset Hagdola (cited *ibid.*) disagree whether the problem of refusing the *aliya* applies only when one is actually called (MA) or from when it becomes apparent that he is slated for it (KHG). The Chida (Chayim Sha'al I:13) posits that the Sephardi *minhag* of informing the *oleh* to stand up without calling his name is to shield him from consequences if he turns it down. In short, it is an open question if his asking you your name bound you.

The most promising leniency in your case is that you apparently did not turn down the *aliya*. It is not just that you did not say so explicitly but implicitly, but your reaction falls short of refusal. You simply gave the *gabbai* information that afforded him the option of rethinking his plan of calling you. I have witnessed similar cases where the *gabbai* moved on to the next person, and others in which he said, "That's okay, have another one!" If the *gabbai* said the latter, I would have urged you to thank him and show your willingness to come up. However, since he did the former, he did nothing wrong by not calling you up for another *aliya*, and you did nothing wrong by just allowing him to correct his mistake.

### "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](mailto: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

## A Liberal Religious School – Better than the Alternative – #151

**Date and Place:** 14 Menachem Av 5668 (1908), Yafo

**Recipient:** Rav Yisrael Porat. Rav Porat was at the time a brilliant young protégé of Rav Kook, who was part of the *Old Yishuv* in Yerushalayim. He went on to write an introduction to the Talmud and was an important rabbi in England and Cleveland. In a previous letter, we saw Rav Kook write positively about the Tachkemoni school (which had more secular studies than was customary in religious schools), and word went out that Rav Kook was a supporter of it. In this letter, Rav Kook was apologetic about his support of the school.

**Body:** I feel a responsibility to, as much as possible, calm the heart of all of my dear friends in regard to my formal support of the founders of the school for “members of the Mizrahi” in Yafo. The following were the major factors, which proper consideration showed, created a situation in which there was no alternative:

A. The gymnasium (Herzylia, which opened in Yafo at the same time) was founded, which was done in a brazen manner with absolute heresy, and it is attracting a great number of our children. Therefore, it is proper that we strengthen any force that will come on the scene that can save some number of children a year from that destructive well. Therefore, I was happy with their idea to start a school that at least will adhere to the basis of Judaism.


B. If I would remove my oversight of the school, it is possible that it would be led in a way that will be destructive to the way of the Torah. This would create new enemies in addition to the many struggles that have already cropped up around us.

C. In my opinion, it is now proper for us to accept supervision of any institution that wants our supervision, even if we are not happy with the institution. This will at least make it less problematic due to our influence.

D. Their curriculum indicates that they want to start with just lower grades, and there will be a few years in which they will study no foreign language. Therefore, there will not immediately be a problem of the known prohibition (foreign languages was formally banned in the schools by the rabbis of Yerushalayim decades before). When the time will come, in the coming years, and we will have to discuss the matter of foreign languages, then we will have to be wise about the matter and figure out how to do it in a matter that is permitted.

Despite all of this, I did not think that they would publicize that I was running the school. Nevertheless, now that they have done so, it can be for the good, with Hashem’s help. This will help us open our eyes to the need to know cognitively how to save our Holy Land from those who would destroy it, by arming our students with the power to succeed in the war of life. This cannot be done by approaches that bring weakness of the spirit, that darken the light of the soul and strengthen those who want to breach the fence of Judaism, who, in our iniquity, have become many. (This is a critique of school curriculums that do not prepare students for the world of activity, outside Torah study, as we have seen in past letters).

I hope that all who have true fear of Heaven will fulfill the mandate to judge their counterpart positively (i.e., not cast aspersions on Rav Kook) and not be shaken by imaginary fears, which might arise in the heart of those who do not consider carefully how to serve Hashem with a proper heart and healthy intellect. We are just continuing the work of the great rabbis of yesteryear. If they had encountered a situation in the Holy Land as exists now, they would definitely have joined forces to strengthen us. This is needed to make sure that the coming generations will not see those who fear Hashem in a lowly position in comparison with the wicked people who raise their stature (with broad knowledge) with conceit.



**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

## Did Beit Din Research Enough?

(based on appeal ruling 80014 of the Eretz Hemdah-Gazit Rabbinical Courts)

**Case:** The plaintiff (=p) had his house built, including a retaining wall between his property and that which the defendant (=def), a construction company, was paid a set price to build. When def later built the adjacent house, they, in some places, added on to the wall. Pl demands that def pay for half of the cost of the wall pl built (36,250 NIS), which equally benefitted def. Def claims that they are exempt because pl lost nothing from the fact that def also benefitted from the wall. Def also rejected the assumption that pl's wall helped them, as it made adjustments necessary that made the project more expensive.

**Ruling:** Beit din rejected the legal claim of exemption from paying for benefit they might have gotten from pl's outlay (the sources/logic were not appealed). However, pl failed to prove that what he built helped def, and therefore there is no ruling for payment.

**Appeal:** Pl pointed out that they brought expert witnesses regarding the value of the wall and the need for a wall. If that did not suffice, beit din should have arranged an expert witness to determine the extent of def's benefit from the wall, instead of ruling that because they did not know, no payment was coming. He also claims that since the difference between what pl built and the addition that def did was 18,769 NIS, def should have had to pay at least half of that, without needing an expert. Def rejects the appeal because the failure to bring an expert is not one of the grounds for appeal (which are: a mistake in Halacha, a clear mistake in the understanding of the case, a mishandling of the adjudication). Def argues that pl had enough opportunity to prove whatever he wanted to, and pl's experts did not prove there was a net gain for def from pl's wall.

**Appeal ruling:** Pl's claim for the need for an expert has the potential to be a valid reason for appeal, because if he is clearly right, then beit din mishandled the adjudication. Still, though, the appeal judge rejected the claims. The ultimate obligation for proof is that of the claimant (Shulchan Aruch, Choshen Mishpat 28:5). It is true that beit din is allowed to initiate the investigation of facts that were not proven by bringing witnesses, but it is still the claimant's responsibility to see to it.

In this case, beit din went beyond the requirement and made significant efforts to bring experts, starting with the engineer who designed the plans for both sides, but as the sides were told, the engineer refused to take part. Beit din looked to several other experts and one who they decided upon asked for the building permit and several measurements, to which pl complied only partially. Since pl did not cooperate fully, he cannot complain about the matter. Regarding the claim that it is obvious that the partial wall was helpful, this is simply not always the case, as the way additions and an original part of the wall interact are complex and should not to be taken for granted.

Comments or questions regarding articles can be sent to: [info@erezhemdah.org](mailto:info@erezhemdah.org)

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

Nir Rephael ben Rachel Bracha  
Ori Leah bat Chaya Temima

Arye Yitzchak ben Geula Miriam  
Yerachmiel ben Zlotta Rivka

Neta bat Malka  
Meira bat Esther

Together with all *cholei* Yisrael

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