



HEMDAT YAMIM

Parashat Hashavua

Chukat 5 Tamuz 5783

Harav Shaul Israeli zt"l
Founder and President

The First Ambassador
Harav Yosef Carmel

Yiftach, the hero of our *haftara*, was a Giladi, in two ways. His father's name was Gilad (Shoftim 11:1), and the *p'sukim* indicate that he was born in the Gilad region.

Yiftach felt a strong connection to *Eretz Yisrael*, as we see from the speech about Israel's right to the Land, which he sent to the king of Ammon (ibid. 12-28). In that way, he was a partner of the daughters of Tzlofchad, who had special affection for the Land (see Bamidbar 27). These important women were also descendants of Gilad (ibid. 27:1).

The ones who received, as their tribal land, the region of the Gilad, east of the Jordan, were mainly part of the Tribe of Menashe, specifically the families of Menashe's son Machir (ibid. 32:40). However, we can prove that prominent families from Yehuda also had their estate there. In Divrei Hayamim (I, 2:21-23), the *p'sukim* recall that Chetzron married Machir's daughter. Among their grandchildren was Yair, who had twenty-three cities in the Land of Gilad.

Chetzron has a prominent place in King David's genealogy. Chetzron who was the son of Yehuda's son Peretz (the second mentioned in Ruth, ch. 4). Chetzron and Machir had the status of princes in Bnei Yisrael's early days in Egypt. The marriage between their children greatly strengthened the social connections between the two families/tribes. In turn, the Jewish inhabitants of the Gilad region had political connections to the Aramian tribes and kingdoms of the general region (the southern Golan Heights), as the *pasuk* says about Yair's land, that it was up to the boundary of the land of Geshur and Maacha (Devarim 3:14).

This explains another wonder. David's son Avshalom was born when David ruled over only the Tribe of Yehuda in Chevron. His mother was Maacha, daughter of the King of Geshur (Shmuel II, 3:3). How did David, as only a local leader in distant Judea, take an Aramite princess as a wife? The *gemara* (Sanhedrin 21a) has a difficult explanation that we may discuss at some other time, but we suggest the following.

During his seven years in Chevron, David built diplomatic connections for the long term, which were then possible only with small tribe-nations like Geshur, which was near the Kinneret. Usually a king can marry the daughter of a king only if the former is stronger than the latter (see Tzofnat Yeshayahu p. 13). Therefore, it is not surprising that when Yoav fought on behalf of David against Ammon (Shmuel II, 10:8), while the tribe/kingdom of Maacha joined up with the Aramites against David, Geshur was loyal to David. So, we posit, with the help of his Judean cousins in Gilad, the first embassy of a Jewish state was opened in the Gilad-Geshur region. The first ambassador was David's wife, Maacha daughter of Talmi, King of Geshur.

Upon becoming king of all of Israel, in Yerushalayim, David continued building alliances with neighboring nations, which helped strengthen his kingdom and in the building the Beit Hamikdash (see story of Chiram of Tzor, Shmuel II, 5). Alliances are a part of the necessity of every independent nation. On the other hand, from a spiritual perspective, this is very dangerous, as we learn from Avshalom himself, son of the ambassador, who was a *ben sorer u'moreh* who rebelled against his father.

We pray that the love of *Eretz Yisrael* will find proper expression with the help of men and women who follow the lead of the daughters of Tzlofchad more than that of Yiftach Hagiladi.

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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

An Oleh Who Wants to Lain His Aliya

Question: As the *gabbai* in an Ashkenazi *shul*, I recently called up for an *aliya* a guest who asked if he could *lain* his *aliya*. I told him no, and he looked surprised/disappointed. Did I do the right thing?

Answer: All agree that in the *gemara's* time, the *oleh* read the Torah aloud for the *tzibbur*. In fact in Tannaic times when only the first *aliya* had an opening *beracha* and the last one had an ending *beracha* (Megilla 21b), all the middle *olim* did was read the Torah. The Rambam (Tefilla 12:5) also describes *kri'at haTorah* as the *olim* doing the *laining*.

Other *Rishonim*, though, report a *minhag* that a *ba'al korei* *lains*, whereas the *oleh* makes the *berachot* and reads along quietly (Shulchan Aruch, Orach Chayim 141:2). Tosafot (Megilla 21b) and the Ran (Megilla 12a to the Rif's pages) explain the *minhag* as instituted to not embarrass one who does not know how to *lain* (at least, without preparation).

The Rosh (Megilla 3:1) presents Talmudic precedent of lowering individual participation to avoid embarrassment for the less skilled. Those people bringing *bikkurim* who knew how to, used to make the *bikkurim* declaration alone, whereas those who did not know, had it recited before them; to not embarrass those who needed help, it was instituted that everyone would do it with help. We see from the Rosh's comparison that our *minhag* that it is not just that the *oleh* does not need to *lain* but that he specifically should not do so. A similar post-Talmudic *minhag* is that a *chatan* does not recite the *berachot* under his *chupa*, which, according to the Orchot Chayim (Kiddushin 21) is so that those who cannot recite them fluently will not be embarrassed.

The Rosh did not think we can learn from *bikkurim* to *aliyot*. There, an embarrassed person might abrogate his obligation to bring *bikkurim*, whereas here, we can let him choose between improving his reading ability and not getting *aliyot*. The Rosh's reason for the *takana* is to prevent a situation where one claims proficiency in *laining* he does not possess, thereby causing the *tzibbur* to have an improper *kri'at haTorah*. If we leave the choice of which *olim* can *lain* up to the *tzibbur*, it will likely cause fighting.

The Rama (OC 140:1) presents the *minhag* as a fact, but while the Beit Yosef (OC 141) discusses it, in the Shulchan Aruch (OC 141:2) he describes, as apparent co-equals, the possibility of the *ba'al korei* or the *oleh* reading aloud. The very broad Ashkenazi practice is to not allow the *oleh* to *lain* for himself. Sephardi practice is more fluid; many Sephardi *batei kneset* allow proficient *lainers* (regarding whom the Rosh's main problem does not apply) to read their own *aliya* (see Yalkut Yosef, OC 141:(24); Orchot Yosher I, OC 7). The Rambam-following Teimani community consistently has the *olim* read for the *tzibbur*.

If your *oleh* was Ashkenazi, there is nothing to discuss; if he did not know the *halacha*, he can be taught it. What if: the *oleh* is Sephardi, you know he can read well (and either the *shul* leaves *laining* style to the *ba'al korei* or he knows how to read the *tzibbur's* way), and the *ba'al korei*, who spent time preparing, does not mind? Since even among Sephardim, an *oleh* generally does not read, he cannot ask to be an exception in a *shul* whose policy is to not allow exceptions. (There are exceptions, e.g., Simchat Torah, bar mitzva boys who read only *maftir*, and when the person who is anyway *laining* gets an *aliya*. However, these are exceptions based on case, not on the person; the latter is what causes embarrassment or fighting.)

What about for Teimanim, for whom the *oleh's* reading is fundamental and consistent? Is the *tzibbur's* or the *oleh's minhag* the determinant? In our response (Matot Masei 5777) about an *avel* whose ruling is to be *chazan* on Rosh Chodesh, whereas the *shul's minhag* is that he should not, we posited that the determinant is if the *minhag* addresses the concern of the individual or the community. In this case, the Rosh and Tosafot agree that the concern is for the community. Therefore, you correctly followed the *shul's* Ashkenazi ruling.

“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

Jewish Art – The Positive and Halachic Care – #158 – part I

Recipient: The heads of the Betzalel organization for Jewish art. The head of Betzalel, Boris Shatz, had been a yeshiva student before studying sculpture, which perhaps puts the style of the letter in perspective.

Body: One beam of light has shone for us through the fog of our world, which is presently dark. Here and there in the Diaspora, our brothers are in upheaval and darkness. Blood is spilled; bodies are trampled; skulls are shattered; houses, shops, and showcases are plundered. Our nation lies in a pitiful state between the split hooves of the pig, which tramples and afflicts wounds, while we have no ability to stop it.

The possibility of enjoying loving relationships within our nation have all but disappeared. Those who love freedom have stood idly by on the day of tragedy and were not moved by the destruction their brothers experienced (see Amos 6:6). All of the actions taken by the modern Jewish movements to promote their demand for freedom for the Jews have been ineffective. In Russia, which is full of Jewish blood, all demands have been erased from the heart, as if it was an old loan that had been cancelled by *shemitta* or *yovel*. Instead there is darkness and fog.

Alas, a flow of cold water has rushed over the cracked bones: “*Eretz Yisrael* is reawakening!” The reawakening is admittedly slow, even very slow, with baby steps and long breaks between them. Yet, it is still reawakening. The buds of new life are visible to anyone who wants to look.


One of the clearest signs of new life is the significant activity that your organization is planning – “Reawakening Jewish Art and Beauty in *Eretz Yisrael*.” It is inspiring to see our ultra-talented brothers, giants of beauty and art, who find a respected place in the broad boulevards of society’s mainstream. A high wind has lifted them and brought them to Yerushalayim, to adorn our holy city, which is so engrained in our hearts. These pleasant flowers will bring honor and grandeur to the city, along with blessing and utility. Such a good omen should make all happy – the young and the old, and even those who are least emotional and those who are most occupied with the serious questions of survival.

Imagine a sweet girl, a beloved daughter, who has been in the midst of a long, difficult illness, with hope almost lost. Her face is as white as a sheet; her lips, blue; her body, as hot as a furnace, and trembling. Imagine she opens her eyes and her tightly sealed lips, and her little hands move in a manner that displays life, her thin fingers moving from side to side, attempting to work. Suddenly, her lips move and almost look like flesh, and a pained voice is heard: “Mother, mother, the doll; give me the doll, my dear doll that I have not seen for so long!”

The sound of rejoicing! Everyone is happy, father and mother, brothers and sisters, even the old grandparents who many years ago forgot their children’s childhood games. “Our little Shoshana (a name and a rose) is asking for a doll!” Thank G-d, it is a good sign. She is past the worst part of her illness. The doctor who has grown so close to the family takes part in the rejoicing, in place of taking part in the anguish; he agrees it is a good sign. The crisis has passed. The hope is now that Shoshana will grow and be a leader among her friends.

While the doll is the first request, she will go on to ask for many things. Her spirit and body will increasingly strengthen. She will demand more medicine, soup, meat and bread. She will want her dress and her fancy clothes, her pen, books, and projects. All will rejoice in these matters, the grandparents and parents with tears of joy in their eyes. The young siblings will happily clap and dance: “Hurray! Little, pretty, sweet Shoshana is asking for a doll.”

We will continue next time, but it should already be clear that the doll represents art.



**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.

Buy Now

P'ninat Mishpat

Extent of Partnership – part II

(based on ruling 81096 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: In 2007, a land developer (=def1) planned a project – he would buy a property with a two-story building and greatly expand the building. The plaintiff (=pl) put up 900,000 NIS and received a 10% stake in profits from the project. There is a long agreement between the sides (=agr) and, later, a letter of understanding. Def2 and def3 are close relatives of def1, and there is another investor (=adinv). After the purchase of the property, the Tabu (Land Registry) listed four owners of 25% of the property each – pl, def2, def3, and adinv. After a later sale, officially by these four, to another six people (who bought apartments), pl's stake, per Tabu, stands at 13.5%. Pl received one of the apartments and demands additional money as per his 10% stake, including rent on the apartments that def1 handles. Pl claims that his 10% ownership enables him to receive both an apartment, like the others, and also general rights. Def claim that pl did not receive 10% ownership of the property but, as an investor, 10% of the profits, from which the value of the apartment he received should be subtracted. Def demand of pl that he sign a request for a building permit for the second stage of the building's expansion.

Ruling: [Last time, we saw that financial logic, the language of the agreement and an admission of pl in a different *beit din* all indicate that pl did not own 10% of the property but only has claims to 10% of profit.]

In general, legally and halachically, entry of ownership in the Tabu is very significant, and in this case, it seems to support pl. However, there are problems with the support it gives. Pl admits that he never had more than 10% rights, yet the Tabu had him at 25%, and now at 13.5%. Thus, the Tabu is not an accurate indication. Def1 does not appear in it at all, and yet all agree that he is the main owner and that the Tabu was done as it was for technical reasons (the sides preferred not to discuss details).

Arguably, pl has a *migo* (proof of telling the truth from the fact that he could have won with a claim that he admits is not true). In a case where the thing he wants to rely upon is invalid (the Tabu, in regard to this case), we have an indication from the *gemara* (Bava Batra 32b) that *migo* does not help. Our *beit din* has ruled in the past that when an entry in Tabu can be demonstrated to be incorrect, the Tabu is to be fixed rather than being able to validate that which is not true. The other official papers that state that pl is a 13.5% owner are just extensions of the Tabu entry.

Agr states that pl is to cooperate with requests for building permits, and based on the timing of the letter of understanding, it clearly applies to stage 2 of expansion as well. While an obligation to do something is not generally halachically binding, since def1 relied on the promise, pl would at least be obligated to pay for damages stemming from his refusal. Furthermore, in our times, an obligation to go along with a building practice can be binding based on *dina d'malchuta* (the Law of Contracts) and accepted practice. Therefore, pl is to cooperate with the process or face sanctions from *beit din*.

Comments or questions regarding articles can be sent to: 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
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