



HEMDAT YAMIM

Parashat Hashavua Chayei Sara, 27 Cheshvan 5784

Harav Shaul Israeli zt"l
Founder and President

Was Avishag "Set Up" with David? Harav Yosef Carmel

The Torah introduces the story of the search for a wife for Yitzchak with the words, "Avraham was old, coming in days" (Bereishit 24:1). According to most commentaries, these words explain Avraham's concern: If he would not arrange a wife for Yitzchak who was fit to be one of the nation's matriarchs, it might become too late.

Clearly, this story became a symbol and a model to copy for generations in the following way. The basis of the family relationship must be the attribute of kindness combined with interpersonal wisdom. This is certainly the case when the house that was being founded was to carry on the legacy of Avraham, the ultimate educator of mercy and kindness for his offspring and generations of the nation they would form.

This week's *haftara* begins with the same words about advancing age, just about King David, as opposed to Avraham. What is the significance of the apparent connection?

The "match" between David and Avishag is ostensibly the antithesis of the type of positive *shidduch* we know of through the generations. David's servants suggested to search for the prettiest maiden in Israel, who would sleep along with him. This sounds more like the ideas of the advisers of Achashveirosh, known for lack of modesty, than it does for the leader of the nation that comes from Avraham and Sarah. Remember that the cloud over Sarah's tent symbolized the perfect situation of: "When a couple is worthy, the Divine Presence is with them." Chazal also tell us that the G-d of Avraham hates promiscuity (Sanhedrin 93a). We must conclude that the idea was of David's servants who opposed the accession of Shlomo, the son of Bat Sheva, who made this suggestion to complicate matters. They did not understand the power of repentance and therefore opposed the prospect of the son of Bat Sheva, who had begun her relationship with David in sin, becoming king. This is hinted at by the fact that their suggestion to David is worded to overlap linguistically with the prophet's rebuke of David from that incident (compare Melachim I, 1:2 and Shmuel II, 12:3). They wanted it to appear that David's judgment could not be trusted. It is likely that this plotter was either Yoav, the chief of staff, or Evyatar, the Kohen Gadol, both supporters of Adoniyahu for king.

We see in our *haftara* that David did not approve the plan, as he did not do anything operative in this regard. It is also noteworthy that women did not volunteer for the "job," which speaks nicely about them. Avishag, who was taken, did not end up sleeping with David, but acted more as a nurse or executive secretary. The fact that David did not have relations with her showed the extent of his repentance for his previous mistake with Batsheva. Thus, there never was a "match" made, and therefore David's comparison to Avraham turns out to be a compliment for him, making the *parasha* and the *haftara* a good "match." Both men deserve the title *zaken*, in its spiritual, not chronological meaning (see Yoma 28b).

Unfortunately, the phenomenon of older singles has increased, even though it includes many spiritual dangers. We call on anyone who can help finding practical solutions to step up and do so.

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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

Switching the Location of a Mezuzah

Question: I noticed that a storage room jointly owned by several residents of our apartment building in Jerusalem does not have a *mezuzah*. I bought a *mezuzah* myself, and because it is nicer than some of those in my home, I thought of taking the new one for myself and moving one of my apartment's *mezuzot* to the storage room. Is there any problem doing that?

Answer: *Yasher koach* for taking care of the *mezuzah*. The responsibilities of multiple people can often be neglected (see Bava Batra 24b). Since you bought the *mezuzah* yourself, unless you had in mind to formally acquire it on behalf the group, you do not need permission from anyone from a monetary perspective.

The issue has to do with the nature of the obligation to have a *mezuzah* in a storage room. In this column (Toldot 5783), we presented a *machloket Rishonim* whether a storage room that is not part of a home's daily activity requires a *mezuzah*. Although the Shulchan Aruch (Yoreh Deah 286:2) rules it is required, we accepted the opinions of several *poskim* (see Yalkut Yosef, YD 285:28) that there is enough doubt to recommend not reciting a *beracha* when attaching a *mezuzah* to a storage room. The fact that it is jointly owned does not raise additional doubt (Chulin 135b; Shulchan Aruch, YD 286:1), unless there are non-Jewish partners (Rama ad loc.) – of course, we do not know your neighbors.

Moving a *mezuzah* from a location where it is definitely part of a *mitzva* to one in which the obligation/*mitzva* is doubtful could potentially violate the rule of *ma'alin bakodesh v'lo moridin* (= *mbkvlm*; one is forbidden to lower the status of a sacred object). This concept is derived from *p'sukim* (Menachot 99a) in the context of increasing and not decreasing the honor of holy objects in the *mikdash*, and there are varied opinions on whether this is an authentic Torah law or a Rabbinic *asmachta* (see Be'ur Halacha to Orach Chayim 42:1). Additional Talmudic applications of *mbkvlm* vary greatly (including: a temporary *kohen gadol* not returning to serve as a simple *kohen* (Yoma 73a); increasing the number of candles as Chanuka progresses (Shabbat 21b); not using something from *tefillin shel rosh* for a *shel yad* (Menachot 34b)). It is likely that some applications represent the heart of the *halacha* and others are only related concepts (unpublished shiur by Rav Asher Weiss).

The following, cited by the Mishna Berura (15:1), is the closest case to ours that is discussed by classical *Acharonim*. The Shulchan Aruch (OC 15:1) permits moving *tzitzit* from one garment to another. The Pri Megadim (EA 15:2) is unsure whether it is permitted to move them from a garment with a Torah-level obligation to one with only a Rabbinic one. The Artzot Hachayim (15:5) permits it, whereas he forbids taking them from the garment of an adult to that of a child. (Their short pieces mention the possibility of *bizuy* (disgrace) to the *tzitzit*, not the concept of *mbkvlm*).

It is unclear whether we can extrapolate from these sources to our *mezuzah* question. There is a *machloket* whether *mbkvlm* applies only to matters related to *kedusha* or even non-*kedusha*-related *mitzva* objects (see Beit Yosef, YD 259). *Mezuzah* is in the *kedusha* category, whereas *tzitzit* are not (Megilla 26b). We also have to consider to what extent the change in the *mezuzah*'s location impacts on its sanctity, as one can argue that wherever a *mezuzah* is, it itself has the same *kedusha* irrespective of the *mezuzah*-obligation status of the doorway (see discussion in Kvi'at Mezuzah K'hilchata 14:5).

In any case, (among?) the first to write about taking a *mezuzah* from a doorway that fully requires a *mezuzah* to one in which it is only a *safek* are contemporary *poskim*. The very influential Rav S.Z. Auerbach (Minchat Shlomo II, 97.24) reasons that it is forbidden because of *mbkvlm*, as does Teshuvot V'hanagot (I:649). In the absence of anyone of such prominence disagreeing with them, it is difficult to allow the move. On the other hand, it is **reasonable to argue** that one should be able to rely on the majority opinion that a storage room's *mezuzah* obligation is definite.

“Behind the Scenes” Zoom shiur

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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

Support for Jerusalem Old-Age Home – #175 – part II

Date and Place: 5 Kislev 5669 (1908), Yafo

Recipient: Rav Naftali Amsterdam, one of the great disciples of the Mussar Movement's founder, Rav Yisrael Salanter. Rav Amsterdam moved to Jerusalem at an older age.


Body: [Last time we saw the beginning of Rav Kook's letter of support for Rav Amsterdam's home for the most impoverished elderly people in Jerusalem.]

When these people will be taken care of, they will be able to spend the rest of their lives in the study of Torah and in prayer for the "remnant of the scattered sheep" among the many nations (the oppressed Jewish Diaspora). They will be able to arouse great divine mercy with the prayers of the upstanding, on behalf of every bitter person and everyone who is in a difficult situation. The prayer of poor people who are of humble spirit, like these residents, is so great and lofty. It is uniquely capable of breaking through and reaching the Heavens, and go before He who hears screams, especially when it is the plea of a downtrodden person.

This is in line with what it says in the Zohar (Balak 195a): "What is more important than anything else? The prayer of a poor person. This prayer goes before the prayer of Moshe, and before the prayer of David, and comes before all the rest of the prayers in the world. What is the reason? Because the poor person breaks his heart, and the *pasuk* says: 'Hashem is close to those who have broken hearts ...' The deprived regularly makes a struggle with Hashem, and Hashem listens and hears. Once he prays, his prayers open a window in the Heaven, and all the other prayers that go up are pushed aside by the prayers of the deprived person with the broken heart, as the *pasuk* says 'The prayer of poor when he covers.' It should have said, 'when he is covered.' What does it mean, 'When he covers'? It means that he creates a covering of all of the prayers in the world, and they do not go up until his prayer goes up, as the Holy One Blessed Be He says: 'All the prayers shall be covered, and his prayer shall come before Me.'" One should look into the source carefully.

We see from this that all wise-hearted people who are true G-d-fearers, who love charity and kindness, should realize how great and lofty this holy institution is. After all, it brings together homeless destitute people, people of pure hearts, who are afflicted and despondent, and they can take part in prayer in the city in which Hashem's presence is most felt. How much good consequence and salvation this can bring for those who support them from all their travails! What a flow of blessing and grace is set out before those who support the recipients of the institution's help from the prayers of such impoverished people in such a holy background!

In His name, He who is close to the cries of the poor and has mercy on the cast-off and the oppressed, I put my confidence, that you and all who are with you will succeed on the path you began. The prayers of the elderly and deprived should be accepted, and the dear institution should have a prominent stature among the important institutions, which use their great glory to glorify the lofty city of our sanctity and grandeur. May the act of charity be complete.



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 z"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

Compensation for Transfer of Business to One Partner – part IV

(based on ruling 78039 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The plaintiff (=pl) and the defendant (=def) opened a center that provides therapy for children. According to their agreement, def, who has a similar center elsewhere, was responsible for the finances and infrastructure. Pl was to serve as a therapist, be in charge of day-to-day operations, interact with parents and workers, and plan events. The business and grounds' rental were in def's name. Pl and def were supposed to get small salaries and then split profits equally after reaching "the point of balance." After three years, acrimony brought them to separate, and *beit din* oversaw the transfer of the business to pl, with compensation due to def. [Last time, we saw different approaches of the *dayanim* as to the nature of the partnership. Now we will see how to value the center.]

Ruling: An expert hired by *beit din* decided to employ a system of appraisal that uses years of revenue to predict future revenue and value, and the sides agreed to it. He arrived at the value of 288,000 NIS. Subsequently, the sides questioned the number's relevance, as follows. Def demands to factor the 165,000 NIS worth of property he claims to have left with the center. Pl argues that she did not get the center's full value because she had to start many elements of the business from the beginning (e.g., computer program, phone number). She also demands to subtract from the value the expense of moving, as the lease cannot be renewed. Regarding def's claim of property, the expert confirmed that the system includes the property that is needed to make the business profitable. According to *dayan 1*, it indeed is true that pl did not receive all of the value of the business, and the calculation should be lowered to 270,000 NIS. The need to move should not be considered, for the following reason. It was discussed that the owner of the center would have the opportunity to develop a new, large area. While development is costly, there are indications that the opportunity is well worth it. While there was not a claim that this value should be added to the center's value, it is reason to not reduce the value due to cost of moving. [Analysis of the claim that pl was underpaid and that this greatly inflated the value is beyond our scope, but makes the following necessary.] One of the ways to decide on the partner who is to receive the business is to give it to the one who is willing to pay more. Clearly, the sides subjectively saw the center as worthwhile to pay for significantly. Therefore, according to one *dayan 1*, we should not reduce the value further, and def should receive $270,000/2 = 135,000$ NIS.

According to the majority of *dayanim*, the 288,000 NIS should not be reduced, and based on their view of a partial partnership, to not include property, def must be compensated for giving it up. Def claimed the property was worth 165,000 NIS, whereas pl says it is worth 35,000 NIS. Def did not ask for an appraiser and did not document the value of the property. Based on compromise, *beit din* will estimate the property value, which is def's, as 55,000 NIS out of the 288,000 NIS; the remaining 233,000 NIS is jointly owned. Therefore, def deserves $55,000 + 233,000/2 = 171,500$ NIS.

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