



HEMDAT YAMIM

Parashat Hashavua Lech Lecha, 10 Cheshvan 5782

Harav Shaul Israeli zt"l
Founder and President

What Are David and Shaul Doing in Sefer Bereishit – part II

Harav Yosef Carmel

[Last time we staked the claim that the two rival, first kings of Israel, Shaul and David, are hinted at in Sefer Bereishit, as we noted that both are connected to the term “adam.”]

The Torah twice in *Parashat Bereishit* describes the creation of man. In Bereishit 1:26-27, it describes that Hashem created him in His own image and that the creation was “male and female.” This creation was a complete one, performed on Friday, soon before Shabbat. He was placed into a physical world that included mineral, vegetable, and animal, but man was the only speaking creature and the only spiritual one. This complex world is one that contains the potential for great downfalls, which require much work to overcome, as we will explain.

On the first day, a special light was created, with which one could see from one edge of the world to the other. However, it could be misused by the wicked, so Hashem hid away this light for the righteous in the World to Come (Chagiga 12a). So we see that from the beginning, the problems raised by evil had an impact on the world.

The second day opened up the door to multiplicity, which is a challenge to unity. As we see in Tehillim 104 (3-4), which provides many insights into creation, the angels were created on this day. This is as opposed to on the first day in which Hashem was alone in the world. On this day, Hashem also created the *raki'a*, the firmament, which separated between the “water that is beneath it” and that which “is above it” (Bereishit 1:6-7). At that point in the history of the world, the potential for dispute even not for noble purposes began. This explains the fact that *gehinom* was created on this second day (Bereishit Rabba 4). While there is no use for *gehinom* before there are sinners, the time of potential for conflict, which is behind sin, began.

The first sign of actual sin surfaces on the third day, but we will view it as potential sin because it was “perpetrated” by an inanimate object. The land was supposed to sprout trees that tasted like the fruit they produced, but it failed to do so (Bereishit 1:11-12).

The fourth day uncovered a new danger, the pursuit of dominion and honor, as the sun and the moon competed for the lead, and the “sinful” moon had to be reduced (Chulin 60b, based on Bereishit 1:16). This characteristic represents the root for many sins.

Evil takes on a much more real form on the fifth day, in which living things were created in the water, and the one that is mentioned prominently is the *tanin*. Many sources relate it to the snake or the leviathan (see Yeshayahu 27:1). Tehillim 91:13 stresses Hashem’s dominion over dangerous animals, including the *tanin*, and tradition has it that the world’s approach toward perfection must include the *tanin*’s destruction (see Bava Batra 74b). The *trop* (Torah cantillation) unnaturally separates (with an *atnachta*) the creation of the *tanin* from the rest of the *pasuk*, which ends off “Hashem saw that it was good” because of the problematic nature of the *tanin*.

Next week we will explain the significance of these observations and learn from the second account of man’s creation.

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Ask the Rabbi

by Rav Daniel Mann

Breaking a Plate with a Religious Text

Question: A friend made an artistic plate to break at my daughter's engagement party. The *pasuk*, "ahavat olam tavi lahem" (bring them eternal love) is written on it. May we break such a plate?

Answer: Mazal tov! After commanding to destroy *avoda zara*, the Torah says: "Do not do so to Hashem" (Devarim 12:4). The *gemara* (Makkot 22a) takes this as a prohibition to destroy objects associated with Hashem/service of Him. The Rambam (Yesodei HaTorah 6:1, 7) lists a few full violations: erasing a Name of Hashem, destructively removing a stone from a Temple or altar, and burning such a structure (ibid.). Destroying *p'sukim* from *Tanach* and their commentaries is a lower-level violation (ibid. 8). Thus, your concern is grounded, but we will look for alleviating factors.

First, presumably your interest is to break the plate, not specifically the *pasuk*. The *gemara* (Arachin 6a) says that holy writing on an object sanctifies only the part of the object that contains the text; one may cut off that part and use the rest of it (see Shulchan Aruch, Yoreh Deah 276:13). The rule of *davar she'eino mitkaven* allows one to do a permitted action even if it might (but also might not) unintentionally accomplish something that is prohibited (this rule is not limited to Shabbat - see Nazir 42a).

It is questionable though whether this reasoning would make it fully permitted to break a plate with a *pasuk*. After all, there are *halachot* that require one to avoid situations in which danger might come to holy texts (Ginzei Hakodesh 2:1; see Rosh Hashana 18b). To break the plate in a manner that the letters are likely to be severed is thus at least against the spirit of the law, if not its letter.

Common practice allows to erase words of Torah from a blackboard. While some posit that this is only permitted to replace it with other *divrei Torah*, due to little alternative (Shut HaTashbetz I:2), we erase blackboards after Torah classes even to use them for mundane writing. The Ein Yitzchak (OC 5:11) explains that when it was written in order to erase thereafter, it is considered as intention to not bestow *kedusha* on the writing. Similarly here, the plate designer wrote the text for it to be broken and the letters likely severed, and therefore it was not sanctified.

One could argue that only destructive breaking is forbidden (see Rambam ibid. 7), and here the breaking is a festive, holy act. However, this exaggerates the *minhag*. According to most (see Eliya Rabba, OC 560:7; Mishna Berura 560:9), the reason is to remember the pain of the destruction of the *Beit Hamikdash*. Thus, our intention is to destroy, albeit for a good cause. The Aruch Hashulchan (Even Haezer 50:26) explains that breaking the vessel represents finalization of the *tena'im* document (which not everyone has at engagement parties). Either way, it is unclear that this is a sufficiently positive religious act to justify destroying something with a holy text. The Pri Megadim (60, MZ 4) explains that we use a vessel from pottery, preferably an already broken one, because the *minhag* does not justify wasting a fine utensil. Therefore, any trend to purposely make an arguably *kadosh* utensil just to break it seems regrettable.

Here, the plate was made with the best intentions, and there is likely concern about insulting your friend by not using it, and we have already seen reasonable grounds for leniency. This case has clearer grounds for leniency. First, the words' meaning is borrowed (*melitza*) from the Torah context, a request that Hashem show his love for Israel (here it must be that the couple should have long-lasting love). The *halachot* of a *pasuk* do not apply to *melitzot* even using the precise words (Shulchan Aruch, YD 284:2). Finally, these words, are not a *pasuk* but come from Musaf of Rosh Chodesh (albeit modeled after Yirmiyahu 31:2). While we treat entire prayers with care, a few words from one without Hashem's Name do not have *kedusha* (Ginzei Hakodesh 10:14). Therefore, you may break the plate in question.

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

Starting a New Yeshiva in Yafo - #59 – part II

Date and Place: 17 Shevat 5667 (1907), Yafo

Recipient: Rabbi Yosef Rabi, Rav Kook's brother-in-law. As the letter indicates, he was living in poverty in *chutz la'aretz* and was interested in moving to *Eretz Yisrael* if he could find an appropriate position.

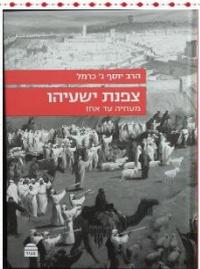
Body: [Last time we saw Rav Kook's interest in starting a high-level yeshiva in Yafo that integrated some modern elements, but that in the meantime the basic job of religious education was being fulfilled by the simple, G-d-fearing education provided by the *Sha'arei Torah* religious elementary school.]

The question is how to establish the new yeshiva. The financial situation at *Sha'arei Torah* is difficult, and there is not an amount of money we can reach and know that it will suffice for it. Therefore, if we add more *meshulachim* (fundraisers in the Diaspora), everything will go into the old account, and from where will we take money for new expenses (apparently, Rav Kook saw it as natural that the new yeshiva would grow out of the existing one)? After all, the institution, like all institutions in the Holy Land, is dealing with great debt, and if and when there is an influx of income, the directors want to first lighten the burden of debt. They always come with claims that are correct from a financial perspective. This is how I understand the situation before having tried to take real steps forward.

However, there is one remedy to the situation – to stipulate from the outset that the money that the new *meshulachim* will bring in will not be given to the people in charge of the old accounts, and their expenses will be the responsibility of the yeshiva in formation. This will create for us a new financial burden, as *Sha'arei Torah's* directors will not want to give from the account of the school for the formation of something new. Only Hashem knows if we will succeed, with the help of *meshulachim*, to increase the income to the point that we can support a significant group of yeshiva students. Even if it starts with only ten high-quality students, it will still cost close to 100 rubles a month, and the salary of the instructor will be at least 40 rubles a month. We have to think, because even if we put in a lot of effort, we are likely to fall short of such a budget.

Therefore, I do not see any alternative other than patience and to wait in the meantime. If you know of candidates for proper *meshulachim*, please tell me their names, give information about them, and identify where they could work, in places that our existing *meshulachim* have not yet made it to. We would have to wait several months from the beginning of their work, and when we would see that we have what to depend on, then we could, with Hashem's help, start to work on forming the yeshiva. That would entail assembling a certain group of worthy students, who would have to be of a significantly higher level than those children who are already learning *gemara* with Rashi and *Tosafot* with a prominent teacher, who teaches the basics with sharpness. Even those students are on an average level, and we will not be able to give them the distinguished stature of "yeshiva students." (Remember that in those times, the established yeshivot – Rav Kook had learned in *Volozhin* – were elite institutions for the most capable students.) I very much hope that if we succeed in getting this project going, it will develop nicely.

Next time we will conclude our translation of the letter.



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

A Worker Paying for a Stolen Car – part I

(based on ruling 80088 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The plaintiff (=pl) gave a leased car to the defendant (=def), its employee, to use for both work and personal purposes. In the midst of using the car for work, pl stopped off at a carpenter on a personal matter. The two spoke for 14 minutes several meters from the car, with def's back to the car, while the keys were in the car and the engine was running. According to security cameras, after 10 minutes, thieves drove away with the car, which also contained his work computer and smart phone. Pl came to an agreement with the leasing company (=lc) to pay them 20,000 NIS (less than the car's value), as the insurance does not cover theft under these circumstances. Pl is suing def for that as well as the price of a replacement computer and phone. [We will raise some claimed exemptions this week, and others plus pricing questions in the coming weeks.] Def counters that pl never showed him the leasing agreement indicating full obligation if stolen with the car left running, and his employment agreement says that in the case of an accident, def only has to pay the deductible.

Ruling: Leaving a car running in an industrial area with his back to the car is considered an act of damage to the unsupervised object (Netivot Hamishpat 291:7). The understanding that this is unreasonable is strengthened by the law that it is forbidden to leave a car running unsupervised.

Even if it were not considered damage, def would be obligated as a watchman. One who benefits from the arrangement by which he is responsible for the object, e.g., he receives money from the situation, is a *shomer sachar* (paid watchmen), even if he is not paid to watch per se (Shulchan Aruch, Choshen Mishpat 306:1). Although there is a *machloket* between the S'ma (306:1) and Shach (306:1) whether this is so for a salaried worker, in this case, since def used the car for his private needs as well, he definitely was a *shomer sachar* (Bava Metzia 43a).

A *shomer sachar* is obligated for theft of the object, even if he was not negligent (which def was). Although things are somewhat more complicated regarding a theft by armed robbers, even if these were armed, they did not need to use the threat of violence in the theft.

We reject def's claim that by not knowing that he could be obligated to pay the car's full price, it is like the case of someone who was told to watch something inexpensive when in truth it was expensive (see Bava Kama 62a). First, even a watchman who did not know the value of what he was watching is obligated if he damaged it (Shulchan Aruch, CM 291:4), which our case is equivalent to (see above). Second, def knew how much the car was worth and that if he were recklessly negligent about it, he would have to pay its value. All he did not know was in which cases he would have to pay full price and in which he would just pay a deductible. Would we say that if a *shomer* did not know the relevant *halachot* of watchmen, he would not be obligated?! Third, according to many (see Maharsal 6:34), the exemption for lack of awareness is only when the owner deceived him.

We will continue with additional elements next time.

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

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