



HEMDAT YAMIM

חיים תורה

Parashat Hashavua Chayei Sarah, 24 Cheshvan 5782

Harav Shaul Israeli zt"l
Founder and President

What Are David and Shaul Doing in Sefer Bereshit – part IV

Harav Yosef Carmel

[We will now round up our discussion of the connection between Shaul and David, kings of Israel, and the complex story of creation.]

Why do so many *tzaddikim* receive the sixth *aliya* during Shabbat's *kri'at haTorah*? It is because Yosef Hatzaddik represents the idea of *tzaddik yesod olam* (the righteous person is a foundation of the world), and *yesod* is the sixth of the seven *sefirot* (the kabalistic idea of emanations of Hashem).

Let us now discuss David. At first glance, David was known as the youngest of his siblings, but in Divrei Hayamim (I, 2:15), it specifically stresses that he was the seventh. There are several other ways he was connected to the number seven. According to the *gemara*, he was born and died on Shavuot (which completes the *sefira* period of seven weeks of seven days). David lived 70 years, was king in Chevron for 7 years and the most central figure in his life was his wife Batsheva (meaning, girl of 7). *Malchut* (royalty), which David represents, is the seventh of the *sefirot*.

The attribute of *malchut* is delineated by the concept of "it has nothing of its own." This connects to the *midrash* about David, who did not have life allotted to his soul until Adam granted him 70 years. The *gemara* (Chulin 89a) lists David as one of the people who was most humble. This is a trait that endears Bnei Yisrael in Hashem's eyes when we succeed in fulfilling it, as the *pasuk* says: "Not for your being more than all of the nations did I desire and choose you, for you are the smallest of all the nations" (Devarim 7:7). The *gemara* comments in the name of Hashem: "I desire you because even when I bestow greatness upon you, you make yourselves small before Me." This was exemplified by Avraham, Moshe, Aharon, and David. David said, "I am a worm and not a man" (Tehillim 22:7). It is therefore appropriate that the *navi* refers to David (pre-kingdom) as "the little one."

David's rival, Shaul, was from the Tribe of Binyamin but is also considered from Yosef. We see this in the fact that Shaul's relative was referred to as "the first to the House of Yosef" (Shmuel II, 19:21). This special connection between Binyamin and Yosef appears in several places. When the disguised Yosef asked Binyamin about his life, Binyamin told him that all his ten sons were named after elements of Yosef's life (Tanchuma, Vayigash 7). The *gemara* (Sota 36b) continues this idea: Yosef was fit to have twelve tribes come from him, like Yaakov. He fulfilled this partially through his brother Binyamin (Yosef's 2 and Binyamin's 10).

If Shaul represents Yosef and David represents Yehuda, then Mashiach Ben Yosef preceding and preparing the world for Mashiach Ben David will be a repeat. Similarly, the sixth day of the week prepares for Shabbat, the seventh. Shaul represents the first description of Adam, as the one who was created on the sixth day in Hashem's image. David is connected to Adam's second description, which is more connected to Shabbat.

The advantage of Shaul, who was called a full *tzaddik* or *tzadduk yesod olam*, was also the cause of his downfall, as he did not know how to extricate himself from the negative circumstances of eventual sin. It was David who fit the idea of one who, even if he sins, knows how to get back up through the *teshuvah* process. It is this that made him fit for an eternal dynasty.7.

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Those who fell in wars for our homeland. May Hashem avenge their blood!

Ask the Rabbi

by Rav Daniel Mann

When to Attend a Levaya

Question: It is difficult for me (a part-time working woman with school-age children) to know when to attend a *levaya* (lit., accompanying the deceased) of people I know but am not close with. Can you give me guidelines?

Answer: It is more feasible to provide background and perspective than exact guidelines.

The basic sources seem clear. The *gemara* (Ketubot 17a) discusses the deceased's spiritual prominence's impact on how many people should stop their activities, including Torah study, to escort him. Another *gemara* (Moed Katan 27b) says that when there is a deceased in the city, the townspeople are forbidden to work unless there is a *chevra kaddisha* to prepare for the funeral. Tosafot (Ketubot *ibid.*), accepted by the Shulchan Aruch (Yoreh Deah 361:2) says that at the time of the *levaya*, all are forbidden to work, implying that all should take part.

However, many *Acharonim* encountered a more lenient common practice. In some cases, one could distinguish between Talmudic and later times. Perhaps Talmudic Jewish communities were smaller than some later ones. (See Minchat Elazar IV:2, referring to L'vov, exclaiming that if one went to every funeral in a big city, he would not be able to learn.) However, it is difficult to claim that differing situations account for the whole difference between sources and practice.

The Netziv's opinion (Ha'amek She'ala 14:2) serves as a *limud z'chut*. The *gemara* (Berachot 18a) harshly criticizes one who **sees** the deceased and is not *melaveh* him, and the Netziv posits that the obligation is only upon seeing him; if one knows about the *levaya* without seeing it, he need not go. While the Netziv and others identify important *poskim* who disagree (including Beit Shmuel 65:3 and Shach, YD 361:5), this may suffice to justify the established practice.

The Pitchei Teshuva (YD 361:2) accepts the opinion that the requirement of *levaya* extends all the way to the cemetery. But others (Netziv, above; see more opinions in Even Yaakov (Waldenberg) 19) limit it to 4 *amot*, and according to them, we can explain the lenient practice as follows. Perhaps it was common for the funeral procession to pass through town, and each person would pause his activities and escort the deceased a short distance, showing respect by giving a few minutes of his time. Nowadays, when attending a funeral involves an hour and often much more, the average person is not expected to do so.

Divrei Nechemia (YD 25) fascinatingly explains that the lenient practice is "self-fulfilling." One can, during his life, waive his posthumous honor, e.g., he can instruct not to eulogize him, (see Sanhedrin 46b). Thus, one who lives in a society in which people go only to the funerals of people with whom they had a significant connection, he accepts having this be true for his funeral. The *gemara* (Ketubot 72a) indeed views death-related *chesed* as reciprocal. A man's broad forbidding of his wife to be *menachem avel* is grounds for divorce because "one who eulogizes will be eulogized, one who buries others will be buried by others, ..."

Let us put things in perspective. The Rambam (Avel 14:1) lists *halvayat hameit* among the Rabbinic obligations that fulfill the general *mitzva* of "V'ahavta l'reacha kamocho," along with *bikur cholim*, *hachnasat orchim*, etc. It is almost impossible for a person to find the time/energy to excel in all of these, thus leaving room for people to specialize in some areas, while doing the minimum (perhaps even with leniencies) in others. Sometimes life dictates one's abilities regarding such *mitzvot*, e.g., some people would get fired for going to funerals too often; for others, doing so would contradict familial responsibilities – see Kiddushin 30b). One should internalize the Rabbinic perspective on the great reward for *levayat hameit* (see Berachot 18a) and the belief that a well-attended funeral is impactful for the deceased (multiple *gemarot*). Then she can try to determine when this is appropriate for her, factoring in the level of connection, "deservedness" of the deceased, and her availability at that time.

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

Improper Criticism of a Rabbi - #61

Date and Place: 26 Shevat 5767 (1907), Yafo

Recipient: Rabbi Yisrael Dov Frumkin, editor of “*Chavatzelet*” (a Hebrew-language periodical serving the Old Yishuv, especially the Chassidic community).

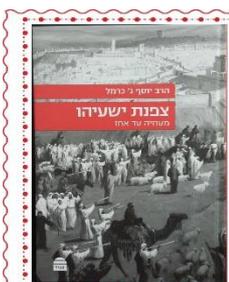
Body: I would request of you to publish the words of this letter in their exact form in your distinguished newspaper:

Chazal were stringent regarding the punishment for those who hear the disgrace of a rabbi and are silent, as we know from the story of Rabbi Elazar ben Rabbi Shimon (Bava Metzia 84b). Therefore, I am hereby protesting publicly before the whole nation of Hashem, and especially our brethren who live in the Holy Land and our brethren of the Ashkenazic community of Cairo, Egypt. This is regarding the horrible disgrace that the directors of the Ashkenazic community had the gall to speak about their rabbi, the *gaon*, Rav Aharon Mendel Hakohen [Baharan], who has been in his position for several years. [He was raised in Teveria and was recruited by the fledgling community. He went on to serve 30 years (most of them, after this incident) so whatever the criticism was, it “blew over,” as he was a very respected rabbi and author.]

I saw all the complaints of those who are struggling against him, which were published in *Chavatzelet*. Even if they were all true as they are written, it would still only require that some of the elder rabbis and the giants of the generation should discreetly urge him to improve his behavior in the future, so that people should not have grounds for casting aspersions. Heaven forbid, there are no grounds for “spilling his blood” (i.e., ruining his reputation and thereby causing immense embarrassment) or for depriving him of his livelihood, which is an act of cruelty that is not fitting for the Jewish people, who are merciful people, the sons of merciful people. Matters are all the clearer because there is almost no doubt that there is at least some exaggeration in what is being reported. It is enough for there to be slight exaggeration to turn a light mistake, which even a great and upstanding person could have made, into a horrible sin and a blood liable. How our nation is experienced in the matter of false claims against us!

Therefore, I will state openly – it is a great and holy obligation upon the leaders of that community to return their rabbi, the *gaon*, Rabbi Aharon Mendel, may his light shine, to his honor and appease him appropriately publicly if they desire to fulfill their moral obligation. They should know that Hashem stands up for the honor of Torah scholars. I hope they will accept my recommendation for their own good, for “payment is not pushed off” in matters of desecrating Hashem’s Name.

I am certain about the level of goodness and patience of his honor, the great Rav Aharon Mendel Hakohen, the rabbi of the Ashkenazic community of Cairo, that he will forgive he who sinned against him, when he will see their regret on the matter. After all, this is the way of Torah scholars who love peace and increase peace in the world. “When Hashem approves of the ways of a man, even his enemies will make peace with him.” He should stand on his pedestal with the honor due him, as he had until this point, before the storm of this dispute arose. Hashem should spread His canopy of peace over His nation, and “those who are lost in the Land of Ashur and the dispersed in the Land of Egypt shall come to bow down to Hashem on the holy mountain in Jerusalem” (Yeshayahu 27:13), quickly in our days, Amen. This shall bring peace over Israel and over the Rabbis and those who are involved in communal affairs for the sake of Heaven.



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

A Worker Paying for a Stolen Car – part III

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

Case: The defendant (=def), a worker for the plaintiff (=pl), used on a regular basis a car leased by pl, both for work purposes and for personal ones. One time, in the midst of using the car to transport things for work, he stopped off at a carpenter to discuss personal services. The two spoke for 14 minutes several meters from the car, with def's back to the car while the keys were in the ignition and the engine running. According to cameras, after 10 minutes, thieves drove away with the car, which also contained his work computer and smartphone; def did not realize for several minutes, when he finished talking. Pl came to an agreement with the leasing company (=lc) to pay them 20,000 NIS, as the insurance does not cover theft when the keys are in the ignition (the car costs more than that). [We go on to additional arguments.] The car company tried to make def pay, but he was not signed on their leasing contract (an administrator was), and so def argues that pl could have refused to pay them and therefore had no right to be magnanimous on his account. Pl demands payment for the computer and phone based on replacement with new ones, as they have determined it to be unwise to buy used ones.

Ruling: Def compared the giving of the car to him after someone else signed for it to the halachic cases of a watchman who gave to another. That discussion is irrelevant because it relates to the first watchman's obligation to the owner, whereas our dispute is between the two watchmen. Also, the leasing agreement foresees the company entrusting the car to any of the employer's workers (and family members) and so the same relationship applies to all users. The fact that the car company may approach the one who signed for the company does not mean that **only he** is obligated but that **even he** is obligated in addition to the company. Therefore, if there was negligence on the part of the driver in a manner that the damage is not covered by insurance (as is the case here based on industry regulation when one leaves keys in the ignition), pl was required to pay. Based on what we have seen above, then, def must compensate pl.

As pl cited, Rav Blass (Techumin XIII) supports in many cases the obligation of the damager to return the situation to what it was before rather than to pay depreciation. However, while that might make it necessary for def to facilitate the acquisition of a computer and phone, that does not mean they need to be new ones if old ones were stolen. Although the Erech Shay (CM 386) says that when a damaged item has no market value, the damager has to pay for the subjective damage it caused the owner. Here, since pl has the opportunity to buy used replacements, like the ones that were stolen, def has to pay only the value of used merchandise. We give the sides ten days to come to agreement for the appropriate compensation for the computer and phone, which will be added to the 20,000 NIS due on the car.

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

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Yisrael ben Rivka	Arye Yitzchak ben Geula Miriam	Meira bat Esther

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