



HEMDAT YAMIM

Parashat Hashavua

Miketz, 30 Kislev 5783

Harav Shaul Israeli zt"l
Founder and President

Zecharia's Daughter, Mother of *Mashiach* Harav Yosef Carmel

The Rabbis instituted that we read, as the *haftara* of the Shabbat of Chanuka, the prophecy of Zecharia ben Berechya ben Ido. He was a prophet in the time of the return to Zion after the Babylonian exile, and he foretells the coming of *Mashiach* and describes the vision of a *menorah* as part of the imagery appropriate for this period.

Chazal taught us that whenever a prophet's name appears with the name of his father, we can know that the father was also a prophet (Megilla 15a). Thus, Zecharia was part of a dynasty of prophets, as even his grandfather's name was mentioned. Looking through *Tanach*, we find that the names mentioned are connected with prophecy over the period of hundreds of years. We find Yedo (=Ido) as a prophet at the time of King Shlomo (Divrei Hayamim II, 9:29). There is also a Zecharyahu ben Yevarechyahu, who was a trusted "witness" (and religious leader) in the time of Yeshayahu. Zecharia is also the name of the spiritual guide of Uziyahu, King of Yehuda, at the time of Yeshayahu (see Divrei Hayamim II, 26:5). It therefore makes sense that the repeated names indicate a family dynasty of prophets, stretching from the time of Shlomo until the time of the Persian Empire's influence over the region.

One of the most important figures in our nation's history was King Chizkiyahu. The *gemara* (Sanhedrin 94a) tells us that Hashem wanted to make Chizkiyahu the *Mashiach* and have the downfall of Sancheriv be the battle of Gog and Magog. How did Chizkiyahu reach such an unusually lofty level, considering that his father, Achaz, was one of the most wicked kings in the period of the First Temple (see Melachim II, 16:20)? Achaz, for example, sealed the doors of the *Beit Hamikdash* and extinguished the light of the golden *menorah* (Divrei Hayamim II, 29:7). The *menorah* served as a testament to the dwelling of the Divine Presence within Israel (see Shabbat 22b, regarding the miraculous property of the *menorah's* western candle).

Achaz defiled the Temple, and his son Chizkiyahu purified it (see Divrei Hayamim *ibid.* 5). We could therefore say that Achaz was the first prototype of a Hellenized Jew, turning the *Beit Hamikdash* into a place of idol worship. The Hasmoneans thus are the spiritual inheritors of Chizkiyahu, by returning the Temple to a state of purity.

We will suggest the following explanation for the secret of Chizkiyahu's source of spiritual greatness. Chizkiyahu's mother was Avia bat Zecharyahu (*ibid.* 1). In other words, with all his wickedness, Achaz's wife was a righteous woman, the daughter of the prophet Zecharyahu. This righteous woman raised a righteous king, who was fit to be the role model for the Hasmoneans, hundreds of years later, and even was fit to be *Mashiach* himself.

When we pray on Chanuka that Hashem should send us miracles like there were in days past, let us remember the righteous woman who raised a righteous king who purified the Temple and renewed the *menorah*.

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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

When a Non-Jew “Clicks” a Door Open on Shabbat

Question: My *shul* has a guard station near the entrance. The non-Jewish guard has instructions that, on Shabbat, he should get up to open the door for people manually. Sometimes he electrically clicks the door unlocked. When that happens, may I enter, or should I wait for him to get up and open the door?

Answer: A Jew may not benefit from *melacha* done by a non-Jew on behalf of a Jew even if the non-Jew decided to do so unprompted (*mishna*, Shabbat 122a). It is permitted to benefit if the Jew told him not to do so (Mishna Berura 276:35). However, if the guard disregarded his instructions over a long period of time without recourse, the stipulation loses its relevance.

However, according to most *poskim*, we have no problem with the guard clicking the door open for the following reason. A Jew may request of a non-Jew to provide something for him on Shabbat if it is feasible for the non-Jew to do so without violating Shabbat, even if we expect him to choose the more convenient way that includes doing a *melacha* (Orchot Shabbat vol. 2 p. 466; see Mishna Berura 276:31; Shemirat Shabbat K'hilchata does not discuss this concept).

However, the fact that a non-Jew's *melacha* for a Jew does not involve a Jew's improper involvement does not necessarily mean the Jew may afterward benefit from it on Shabbat. First, the aforementioned *mishna* includes cases of no Jewish pre-knowledge. Also, the Shulchan Aruch (Orach Chayim 252:4) says that if a Jew promises a non-Jew “pay per the job” for work he does not have to do on Shabbat, it is not a problem if he does it on Shabbat, and even if he does, the Jew may benefit right away. However, the Rama (ad loc.), while agreeing the setup is fine, forbids the benefit on Shabbat (except for in cases of need).

How does our case fit in? The prohibition on benefit applies only when the non-Jew acted on behalf of a Jew (Shabbat *ibid.*), and your type of case is difficult to categorize. If one asked him why he clicked the button, he would say: “To let the congregant in.” If you asked why he did it by means of clicking rather than manually, he would answer: “Convenience.” This is roughly parallel to the Rama's case – he did the work for a Jew/to get paid, and he did it on Shabbat for his own convenience – yet, the Rama forbids benefit.

Nevertheless, Orchot Shabbat (22:57), regarding our exact case, permits the setup without stipulations (he agrees with your *shul* that the guard should be told to open the door manually to avoid “degrading Shabbat”). He does not explain why benefit is not a problem, and we will now discuss possible reasons.

1. In many areas of Halacha, there is a distinction between positive benefit and the removal of an impediment from benefit. Some of our time's major *poskim* (see *Melachim Omnayich* p. 525) disagree whether unlocking a door is removing an impediment (i.e., no prohibition of benefit) or providing entry (i.e., can be prohibited).

2. Not only is the Shulchan Aruch (OC 252:4) the simpler opinion, but the Rama is lenient in cases of need, which implies his opinion is a stringency. Furthermore, the Biur Halacha (ad loc.) says that the Rama only applies to cases where Torah-level *melacha* was done, which we assume does not occur by electrically unlocking the door. Therefore, the closest source we found for stringency likely does not apply here.

3. Finally, there is no benefit to speak of here, as the door will be open the same manually or electrically (see Shulchan Aruch, OC 276:4). Admittedly, in all likelihood, clicking gets you in a few seconds faster. But in the case *poskim* discuss (see Orchot Shabbat 23:53) of having a hotel worker bring an item to the room by elevator, when he could have walked, although the elevator is often quicker, the Jew can take the item immediately. In general, in Halacha, when getting something at a later time is significant depends on context (development of this idea is beyond our scope), and here, a few seconds seems insignificant.

Based on all we have seen, when the guard clicks you in, you may open the door and enter without delay.

“Behind the Scenes” Zoom shiur

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Igrot HaRe'aya - Letters of Rav Kook

How to Develop New Approaches in Eretz Yisrael's Rabbinat – #137 – part II

Date and Place: 12 Iyar 5668 (1908), Yafo

Recipient: Rabbi Yitzchak Isaac Halevi. We have already seen letters between the two on the topic of Rav Kook's planned *yeshiva*, but this presentation deserves to be seen.

Body: [Last time, we saw Rav Kook's contention that to solve the religious problems of the generation, it was necessary to found new yeshivot in the New Yishuv to produce rabbis and laymen who could understand and appeal to the pioneering population of Eretz Yisrael.]

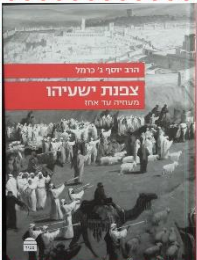
Things will change after we have succeeded with that which Hashem desires [in building new religious institutions]. Through the experience, all will see that the correct way is indeed that which is grand for the person who does it and which others see as grand. The time will come when it will be proved that all the made-up fears, with which the leaders of the old institutions scare people, about the dangers of changes for the better, are incorrect. The changes are actually clearly correct, as seen in the Torah and healthy logic that the fear has no basis. To the contrary, by not making changes, the danger will just become more acute. The danger is because all of those who are educated by those steeped in Torah and fear of Heaven are not prepared for life, neither in regard to their knowledge nor in regard to their behavior and manners. The result is that they become, for the most part, weak people, lacking confidence, and they depend on communal support. Those who follow the path of [religious] destruction use those people's background and strengthen themselves in their negative activities, even though their end will be total destruction, which is discernable to those who have a watchful eye.

After all of this, I want to point out to your honor that only when [we have made these changes] and will have what to point to [as successes], will the old institutions, whose intentions are for the sake of Hashem, admit to us [that we are correct]. Then the good, new ideas will spread throughout all the religious schools and *yeshivot* in the Holy Land, and there will be an increase in strength for the Holy Nation. These improvements will last forever, and we will see that the blossoms will bring grandeur in a manner that will bring joy to Hashem and to people.

Therefore, there is no reason to scatter our strength at the outset without gain, by trying to seek a joint plan of action with our special brothers, the German Orthodox Jewish community, in regard to institutions that want to continue operating in their traditional style. It is better that we begin to form a new institution as an experiment. We can be sure that Hashem is before us on our path. When we will succeed, then we will have a proper stake upon which to attach the improvements that are needed throughout *Eretz Yisrael*.

I spoke briefly with Professor Nathan (a representative of the German Jewish community) about starting a *yeshiva* here for training rabbis for the New Yishuv. I was not able to explain matters to him more fully, based on his state of mind. Of course, I pointed out to him that the entire internal administration must consist of religious people, and especially people who are insiders, who know intimately about the Land and what it is missing.

I hope that you will honor me with practical responses without too much time passing. Matters are pressing at every moment, as we want to actually begin that which we have been planning for quite a while.



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

Damages of the Building of a New Neighbor's House – part II

(based on ruling 81015 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The plaintiff's (=pl) house has been next to an empty lot in a *yishuv* (=yis) for many years. Recently the defendant (=def) bought that empty lot from *yis* and built; he is awaiting an occupancy permit. *Pl* claims that the building damaged his property in a few ways, and *pl* and *def* have complaints over *yis*' handling of the situation. *Def* also has counterclaims against *pl*. [We will discuss specifics in installments.] *Pl* has claims that in order to do the work on the cliff that became unstable due to *def*'s building, he had to take apart his pergola, and it cannot be reconstructed; therefore he is demanding 9450 NIS to replace it. *Def* countersued (in order to counter *pl*'s claims, not to receive payment) for several expenses he claimed to incur to protect *pl*'s property. One was for a retaining wall, due to the height difference between their respective properties. *Pl* denies that he needs or makes use of that wall. *Def* complains that *yis* misrepresented the situation and extracted too high a price for the lot by claiming that there were other people interested in buying and by hiding the problems stemming from *def*'s expected future interactions with *pl*. Therefore, *yis* should pay the award that the previous *beit din* gave to *pl*. *Def* also demand that *yis* pay for the drainage of rain water which comes down from public property into *def*'s property.

Ruling: [We move on to discuss additional elements of the various claims.]

Regarding the pergola, it was 10 years old, and its "life expectancy" is 20 years. Therefore, *pl* cannot make a claim in its regard for more than half the cost of a new one. *Pl* was also unable to prove that the pergola could not have been reconstructed. Therefore, based on compromise, we will obligate *def* to pay only 1800 plus VAT toward the installment of a new pergola.

Regarding the retaining wall, *def* did not prove that the properties' height difference makes the wall required in this case. Although one leg of *pl*'s pergola is leaning on it, this does not demonstrate that the wall as a whole was needed for that purpose. Although *pl* agrees that he wants something to preserve privacy, he planted bushes for that purpose and claims that some simple poles and a urethane sheet would have sufficed until they grow. We accept *pl*'s claims that *def* cannot force *pl* to compensate for the wall.

Def was unable to prove that *yis* purposely deceived him in presenting the lot. There is no evidence that the ruling of the previous *beit din* was not for things that *def* could have avoided if he had acted differently. Most importantly, *def* signed a contract with *yis* that clearly exempts *yis* from paying for any damages *def* might incur in developing the property. Taking care of drainage of rainwater is part of the development of *def*'s property, which, the contract states, is fully the buyer's responsibility. *Beit din* praises *def*'s efforts to protect *pl*'s property, but the expense of those efforts is not a damage for which *def* can demand payment.

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