



HEMDAT YAMIM

חֵמְדָּה יָמִימִים

Parashat Hashavua Acharei Mot, 26 Nissan 5784

Harav Shaul Israeli zt"l
Founder and President

Paradoxical Communication with One's Maker

Harav Yosef Carmel

The *parasha* begins with an apparent contradiction. It says that Hashem spoke to Moshe after Aharon's two sons were killed, and then, before saying what Hashem said, goes on to an ostensibly new topic – the laws of when Aharon can enter the Holy of Holies (Vayikra 16:1). *Chazal* and the *Rishonim* suggest different things that Hashem might have said at that time (see Rashi, Rashbam, Ibn Ezra, and others). With humility, we shall suggest a different approach. The divine "speech" was actually silence. This approach is supported by a similar response in relation to this episode. After Moshe explained to Aharon that Hashem sanctifies Himself by the taking of those closest to Him (i.e., Aharon's sons), it says that Aharon was silent (Vayikra 10:3).

The next *pasuk* is a command not to go at all times into the Holy of Holies, the place where the Divine Presence rests on the ark, as doing so can cause death. In other words, it is dangerous to go into the Holy of Holies, and therefore not worthwhile to go in there, except on Yom Kippur, when the *kohen gadol* is obligated to go in.

The end of this *pasuk* provides an additional apparent contradiction: "... for **in the cloud I will be seen** over the cover of the ark." If there is "cloud-cover," then Hashem will indeed not be seen! Here too, there are different approaches as to how to reconcile the matter, and a key part of the matter relates to the meaning of "in the cloud." Some understand that it refers to "the clouds of glory," which were visible at different times to the nation in the desert as a whole. Another possibility is that it refers to the mist emanating from the special incense that the *kohen gadol* offered when he went alone into the Holy of Holies on Yom Kippur. We can also suggest that Hashem does reveal Himself to those who fear Him, but that it is dangerous to try to see the Divine Presence.

Let us go back to *Parashat Shemini* and Moshe's explanation of his nephews' deaths: "Through those who are close to Me I shall be sanctified, and on the face of the whole nation I will be glorified." Both things are true. Hashem is holier than all that is holy and more distant than all that is distant, and it is very dangerous for even those who are close to draw near. On the other hand, Hashem is also close to those who call out to Him and is found in all places.

This paradox is at the heart of the section of prayer we call *Kedusha*, based on the *pasuk* from Yeshayahu (6:3): "Holy, holy, holy is Hashem the Lord of Hosts; the whole world is full of His glory." It is true both that "Man shall not see Me and live" (Shemot 33:20) and that "From my flesh I will gaze at the Lord" (Iyov 19:26). It is dangerous to enter the Holy of Holies, but Aharon is required to do so in pursuit of atonement for the nation on Yom Kippur.

Sometimes the divine speech is done with thunderous silence, as Hashem is the source of the sound of delicate silence (Melachim I, 19:11-12). Other times the Divine sounds are so powerful that they can be "seen" (see Shemot 20:15).

These are not really contradictions. The spiritual world is complex and deep. Only one-dimensional superficiality sees it as full of contradiction.

Hemdat Yamim is dedicated to the memory of Eretz Hemdah's beloved friends and Members of Eretz Hemdah's Amutah:

Rav Shlomo Merzel z"l Iyar 10, 5771	Rav Yisrael Rozen z"l Cheshvan 13, 5778	Mr. Moshe Wasserzug z"l Tishrei 20, 5781	Prof. Yisrael Aharoni z"l Kislev 14, 5773
Rav Reuven & Chaya Leah Aberman z"l Tishrei 9, 5776 / Tishrei 20, 5782	R' Yaakov ben Abraham & Aisha and Chana bat Yaish & Simcha Sebbag z"l	Mr. Shmuel & Rivka Brandman z"l Tevet 16 5783/ Iyar 8, 5781	R' Meir ben Yechezkel Shraga Brachfeld z"l & Mrs. Sara Brachfeld z"l Tevet 16, 5780
Rabbi Dr. Jerry Hochbaum z"l Adar II 17, 5782	Rav Asher & Susan Wasserteil z"l Kislev 9 / Elul 5780	R' Abraham & Gitta Klein z"l Iyar 18 / Av 4	R' Benzion Grossman z"l Tamuz 23, 5777
Mrs. Julia Koschitzky z"l Adar II 18, 5782	Mrs. Leah Meyer z"l Nisan 27, 5782	R' Yitzchak Zev & Naomi Tarshansky z"l Adar 28, 5781/ Adar II 14, 5784	Rav Moshe Zvi (Milton) Polin z"l Tammuz 19, 5778
Mr. Zelig & Mrs. Sara Wengrowsky z"l Tevet 25 5782 Tamuz 10 5774	Nina Moinester, z"l, Nechama Osna bat Yitzhak Aharon & Doba z"l Av 30, 5781	R' Eliyahu Carmel z"l Rav Carmel's father Iyar 8, 5776	Mr. Shmuel & Esther Shemesh z"l Sivan 17 / Av 20

Hemdat Yamim is endowed by Les z"l & Ethel Sutker of Chicago, Illinois,
in loving memory of Max and Mary Sutker & Louis and Lillian Klein z"l

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



Eretz Hemdah
Dennis: Harav Yosef Carmel, Harav Moshe Ehrenreich
2 Bruria St. corner of Rav Chiya St.
POB 8178 Jerusalem 91080
Tel: 972-2-5371485 Fax: 972-2-5379626.
amutah number 580120780

American Friends
of Eretz Hemdah Institutions
c/o Olympian, 8 South Michigan Ave.,
Ste. 605, Chicago, IL 60603, USA
Our Taxpayer ID #: 36-4265359

www.erezhemdah.org info@erezhemdah.org

Donations are tax deductible according to section 46 of the Israeli tax code

Ask the Rabbi

by Rav Daniel Mann

Unwanted Return of Money

Question: I remembered an old joke and wondered about its halachic implications. Reuven and Shimon walk down the street. Out of the darkness comes a thug brandishing a gun, ordering, "Give me your wallets!" Shimon takes out fifty dollars and gives it to Reuven, saying: "Here is that fifty dollars I owe you." What does Halacha say about this case?

Answer: Because this is a joke and not a practical case, we do not have to analyze all of the potentially impactful details. I guess what makes the story funny is the implication that Shimon only thought of paying at that time and place because he hoped that the loss of the holdup would fall on Reuven. Apparently, though, the circumstances are more important than the intention.

The basic principle is that if a borrower wants to pay and the lender does not want to receive, the lender can be forced to receive. If he does not, and the means of payment that the borrower leaves for him is lost or stolen, the lender does not have a claim to the borrower to replace it (Shulchan Aruch, Choshen Mishpat 120:2). This does not mean, though, that the borrower can always force the lender into unfavorable payment scenarios. Halacha **balances** the two sides' rights and concerns in the following areas.

Mode of payment: If the borrower has available cash, he must pay with cash, but if he does not have cash, he can give the lender movable objects of the borrower's choice (Shulchan Aruch, CM 101:1-2). The lender can delay repayment to wait for a time at which the borrower will have cash to give (ibid. 4). If payment is in real estate, average quality land is the basic standard (see ibid. 102:1). This element is not the issue in your case.

Timing of payment: The time that the debt is due is primarily for the benefit of the borrower, i.e., the lender cannot demand return of the money before the time set. Therefore, if the borrower wants to pay early, he has the right to do so (ibid. 74:2). However, since it is somewhat suspicious that one wants to pay early, if there are signs that the early payment may cause a loss to the lender, the lender can refuse to receive the money at that time (ibid.). Some examples are when the currency of payment is soon to be devalued or the tax collector is about to appraise taxes based on money on hand (ibid.). When the time to pay has come, we are to assume that the time of payment is fair for all, and we will not readily allow the lender to refuse to receive it then (ibid.). However, if it can be demonstrated that there is a significant and immediate disadvantage to receiving it then, it is likely that the lender can refuse (see S'ma ad loc. 5; Shach ad loc. 10). We then treat that timing like the following scenario regarding place.

Place of payment: The *mishna* (Bava Kama 118a) rules that if one borrowed money from his counterpart in an inhabited area, the borrower cannot force the lender to accept payment in a desert, because of the lender's expected difficulty to preserve that which he received (Rashi ad loc.). If the borrower wants to return the loan to the lender in an inhabited area, but the borrower will have to go through a desert to get home, he may return it if it is on time but not if it is early (Shulchan Aruch, CM 74:1). The Aruch Hashulchan (ad loc. 1) says that in that case, the theft danger of going through the desert is minimal because he can arrange to go with a protected caravan. This indicates that that the important thing is not the place's geographic category but the question whether the payment will be safe there.

Your case is a mix between a bad time and a bad place. In other words, the place may be fine except when this robber is there and the time may be fine in almost any place, but the combination of the two makes it a damaging time/place, at which **Reuven does not have to accept payment**. To conclude with a joke with a hint of halachic insight, we might suggest to Reuven to respond: "I would be happy to receive payment from you ... in just a moment. As soon as our new friend (i.e., the thug) finishes his business, give me the money."

"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.



Igrot HaRe'aya - Letters of Rav Kook

Update for His Father – #212

Date and Place: 4 Menachem Av 5669 (1909), Rechovot

Recipient: Rav Shlomo Zalman Hakohen Kook, Rav Kook's father

Body: My son wrote to you, especially about some craftsmen, who based on the agitation of one of them, planned to upset me. Thank G-d, I am interested in the peace of all, young and old, wise and ignorant. I will not relinquish my naiveté, to judge everyone in the most positive light and treat everyone with kindness. The fact that I showed a little resentment is just in comparison to what people might think that I would not take note of them at all because they are poor or simple. Heaven forbid that a child of yours would think that way.

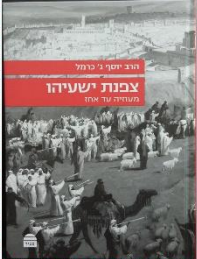
Thank G-d, this matter is not having an impact, even in the city, and certainly not in the *moshavot*. In general, my only desire since coming to the Holy Land has been, with Hashem's help, to work for the welfare of the Holy Land and members of Hashem's Nation who live in it. I have no interest or concern for my personal undertakings, which are of no importance in comparison to the whole nation's welfare. Therefore, there is no reason to be upset by what happened. Rather, we should just increase hope for Hashem's kindness to His nation and His lot, as we are seeing wonders in the budding of His salvation, with His trustworthy counsel from a distance.

It is so important now to increase the pervasiveness of complete belief in Hashem, regarding all the occurrences He arranges. [I refer to His control over nations], especially the Kingdom of Turkey, which is Hashem's doing, [for the welfare of] the "Land of the Deer" that is under their control until the time of the redemption. Matters are taking form secretly, "under the ground" to speed up the process, whose time has come. This awakening of consolation is truly the cure for the doldrums of the collective and the individual. We must thank Hashem for giving light to this dark, lowly generation, with a flashing of salvation for the Holy Land in a manner unprecedented since our exile. He has done so for His sake, with our only spiritual preparation being Bnei Yisrael's intention to move in the direction of returning to Hashem's Land like doves flying to their nests, even though many of us do not even know the significance and content of this return. It will not take much longer for the true light to be revealed; the Arm of Hashem, outstretched since the Exodus from Egypt, and from the beginning of history and forever, will be seen and revealed for all spirits and souls to experience.

[Rav Kook's then inquires about his father's health and encourages him to move to Israel, where he might see health benefits from the blessed Land.]

Here, in the *moshava* (Rechovot), there is a new, positive development, brought on by the echo of the sound of the ingathering of exiles to the Holy Land, which arrived from Yemen. This has brought many of our brethren, who live in Yemen under great pressure in a very terrible exile, to the Holy Land. These are people who suffice with very little. Most of them are connected to Torah; almost none among them are ignorant, and they are all very G-d fearing. Some became workers in the *moshava*. It is very good that they take the place of the problematic Jews coming from Russia, the worst of whom are not capable of having a place in *Eretz Yisrael*. Hashem should grasp the edges of the Land and shake the evil from it (see *Iyov* 38:13).

These Yemenites are healthy people, who like to work. They pray publicly three times a day, with intention, in a special room prepared for them by the main synagogue. They act as is customary in their place, which is much closer to the original customs of Israel. We are glad to see the ingathering – these from the North and these from the South, all of whom have turned to the Desired Land with love and joy that they were fortunate that Hashem brought them to the Holy Land. They do their agricultural work with love. Some guard the fields, while also studying Torah with diligence and fear of Hashem. There are no disputes in their neighborhood. Even though some of them have more than one wife (up to four), they live quiet lives. We expect many more to come to work in the *moshavot*, may their numbers increase along with other members of the lost flock.



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

Dealing with Shortcomings of Building Project

(based on ruling 82123 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The plaintiff (=p) hired the defendant (=def) to carry out a major expansion project, with charges in the contract of 950,000 NIS. PI has paid 815,000 NIS. PI has complaints of many flaws in the work, which he wants to fix through a different contractor, for a price of 73,550 NIS. Def agrees to 24,730 NIS of the charges, but there is a general question if def has the right to fix them himself. Def made claims of 23,430 NIS for extra work not included in the original agreement; pl agrees to 19,007 NIS. The two sides disagree about how broadly to fix/replace damaged floor tiles. The contract states that for every week that def is late in finishing the job, 1,500 NIS will be taken off from the money due him, and the sides disagree on this condition's implementation. The job was finished around two months late. [Most of the ruling is on technical matters and involves the report of an expert in building. There was a tremendous amount of agreement and honesty on both sides. We will focus on a few fundamental points.]

Ruling: Def's ability to do the repairs: The contract requires a period at the end of the project for fixing deficiencies within a short period of time. PI was able to document repeated requests for such work, and def was very slow, for whatever reason, in coming forward to work. The Shulchan Aruch (Choshen Mishpat 306:8) says that a worker who was warned to fix his work and does not do so can be fired. It suffices for him to be warned to fix, and he does not have to be warned that he will be imminently fired. As far as the time frame, not only were the delays objectively unacceptable, but also they were not in line by the standards spelled out in the contract. Therefore, def lost his right to fix the problems himself.

How to fix the tiles: The shade of tiles that were installed are no longer available. Although def blames pl for not ordering enough tiles to be able to switch those that must be replaced, according to the expert, pl ordered more than enough. At one point, def admitted that the first tile setter he brought was not professional enough. According to the expert, the number of problematic tiles makes it proper to switch the tiles in all the "public areas," which he estimates as costing 27,489 NIS.

Payment for lateness: PI demanded to take off 13,000 NIS for lateness, and def agreed to 10,000 NIS. Def does not feel obligated for the two weeks he attributes to the worker's absence due to exposure to Covid. Beit din rejects that claim. It is true that one is exempt from obligations that he ostensibly is bound to because of oness (extenuating circumstances). However, since def signed the contract a year into the pandemic, he was aware of the likelihood of delays due to Covid and yet he still obligated himself without condition (see Rambam, Mechira 19:6). Although one could have exempted def based on asmachta (he didn't believe the obligating circumstances would happen), here since we are not making def pay but only receive less payment, asmachta is not an exemption (based on Shulchan Aruch, CM 207:11).

Comments or questions regarding articles can be sent to: info@erezhemdah.org

We daven for a complete and speedy <i>refuah</i> for:		
Nir Rephael ben Rachel Bracha	Arye Yitzchak ben Geula Miriam	Neta bat Malka
Ori Leah bat Chaya Temima	Yerachmiel ben Zlotta Rivka	Meira bat Esther
Tal Shaul ben Yaffa		
Together with all <i>cholei</i> Yisrael		

Eretz Hemdah is the premier institution for training young rabbis to take the Israeli Rabbinates' rigorous Yadin Yadin examinations. **Eretz Hemdah**, with its distinctive blend of Religious Zionist philosophy and scholarship combined with community service, ensures that its graduates emerge with the finest training, the noblest motivations resulting in an exceptionally strong connection to Jewish communities worldwide.