



Harav Shaul Israeli zt"l
Founder and President

Yerushalayim Was Not Divided Among the Tribes

Harav Yosef Carmel

[This dvar Torah was written last year, but is still timely.]

We are experiencing division into tribes, discord, hatred, and mutual incitement, brought on by extreme people on every side. This casts a heavy shadow over Israeli society and the, so very dear, continued development of the State of Israel. The aggression of a small percentage of citizens has conquered the public stage; the silent majority has become partially mute. Personal attacks have replaced pertinent discussion, and disgracing our ideological rivals, which the Torah forbids, has become our norm. Agendas have overcome logic and truth. Media naturally love dramatic events (they raise revenues), and they have often irresponsibly fanned the flames.

If we removed 5% of extremists from each side, the remaining 95% could reach agreements through mutual respect, on 98% of the burning questions, and agree to disagree on the other 2%. **I call out from the heart in a clear yet trembling voice – Enough, before it is too late. Change the mode of discourse to positive and polite. If the flames will grow, our enemies will dance around the campfires.**

Tribal unity is connected to our *parshiyot* through a frequently mentioned place – Gilad. Gilad is east of the Jordan, and it is the first region whose inhabitants were exiled. Eliyahu Hagiladi, who came from there, was described as a *kana'i* (zealot) – see Melachim I, 19:10-14. Some opinions in *Chazal* posit he was Pinchas, who was known for his zealotry (see Bamidbar 25:11-13).

Our *parasha* also discusses the six cities of refuge for unintentional murderers, half of which were east of the Jordan. The prophet Hoshea (6:8-9) criticizes the people of Gilad for their being violent, and the *gemara* tells us that there were more than expected *arei miklat* east of the Jordan because Gilad had a lot of murderers in it (Makkot 9b).

Yet, Gilad was a wonderful meeting place for people from different tribes, stemming from Leah, Rachel, and the maidservants. Our *parasha* tells that the half-tribe of Menashe (from Yosef/Rachel) received the land. But in Shoftim (12:4), we find groups from Ephrayim, Menashe's brother, whom Yaakov preferred (Bereishit 48:14-20). Moshe also chose his confidante/ successor from the Tribe of Ephrayim. The Tribe of Yehuda had strong ties there. Chetzron, Peretz's firstborn, and the antecedent of King David, married the daughter of Machir (son of Menashe), sister of Gilad, and their children settled in Gilad and built important cities there (see Divrei Hayamim I, 2:21-22). Machir also had in-laws from Binyamin (ibid. I, 7:15). Thus, this area united important tribes and personalities, which impacted the whole nation's unity.

Yerushalayim was the one place in *Eretz Yisrael* that was not divided up among the tribes, remaining the property of the whole nation (see Tehillim 122:3; Midrash Aggada 49:27). This makes Yerushalayim a symbol of unity.

Let us return to our times. Everyone should respect the elected government seated in Yerushalayim. The government must internalize that they are bound to respect all parts of the nation. Any change that is attempted, even if for good reasons, must be done through discussion and some level of consensus, as most citizens want. Only by acting this way will we merit that Eliyahu Hanavi will change from a zealot to a consensus maker, and usher in the Days of Mashiach (see Malachi 3:23-24).

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

Ask the Rabbi

by Rav Daniel Mann

The Laining of a Reading Challenged Boy

Question: A boy in our *shul* with moderate learning disabilities has an upcoming bar mitzva. He wants to *lain* like his friends. His parents believe he can do a reasonable job but cannot promise to what extent he will be reading, as opposed to reciting by heart with some prompting from familiar letters.

Answer: The child's feelings are very important. After fleshing out the problem, we will search for halachic justification for leniency.

The *gemara* (Yoma 70a) relates to an instance when it is permitted to read a Torah passage by heart (see *Rishonim's* explanations, ad loc.). The Shulchan Aruch (Orach Chayim 139:3) rules that one may not *lain* even one letter by heart. For this reason, he disallows giving an *aliya* to a blind person, who cannot read the letters of the *sefer Torah*. The Rama (ibid.) accepts the *minhag* to let a blind person have an *aliya*, but that is based on the thesis that the *ba'al korei's* reading is the critical one (Mishna Berura 139:12). When necessary, it is possible to read from a *Megillat Esther* scroll missing a large minority of text (Shulchan Aruch, OC 690:3). However, this is a leniency regarding *Megilla*, which is called an *iggeret* (see Mishna Berura 690:10), and probably not concerning *laining* from a *sefer Torah*.

Still, we can allow the boy to read for a combination of reasons. We will start with mitigating opinions. The Rambam (Shut 294) posits that a *shul* without a kosher *sefer Torah* can read with *berachot* from a *pasul* one. In that discussion, he says that one can read with a *beracha* even by heart. The Shulchan Aruch (OC 143:3) does not rule this way, but "it is still a Rambam," and the Rama (ad loc. 4) cites both opinions.

In fact, the Rambam's general thesis is accepted in a related case. If a *p'sul* in the *sefer Torah* was discovered in the midst of *laining*, the Shulchan Aruch (ibid. 4) says that after taking out a kosher *sefer Torah*, *b'dieved* we rely on what was read. In that context, the Mordechai (Megilla 392) writes that if one encounters missing words before he has read three *p'sukim*, he should read those words by heart and continue until a place one may stop. He argues that the problem with reading by heart is the prohibition (ed. note – see Orach Chayim 49; we tend to be very lenient on this) on reciting the Written Torah not from a text and that this does not apply here because the intention had been to read from a kosher *sefer Torah*. This bar mitzva boy also intends to read from the text, and we are just nervous about his success. It is a good question to what extent we accept the Mordechai (see Living the Halachic Process III, A-14), but it is not a dismissed opinion.

Another mitigating opinion is admittedly a less accepted one. The Kolbo (cited in Beit Yosef, OC 142) states that if a *ba'al korei* makes a mistake in reading, we can rely on the *oleh's* correct reading of the text. The above opinions along with significant embarrassment of a child whose disabilities disallow him doing what his peers do (see Rama, OC 139:3; Beit Yosef, OC 142), might suffice to be lenient.

Now to fundamentals. As one who thinks a lot about *Kri'at Hatorah*, I assure you that if there were an absolute need for *ba'alei kri'ah* to **fully read every letter**, we would often not be *yotzei*. Experts will tell you that we standardly look at a word and recognize it based on key letters and context, without always actually processing every letter (that is why proofreading is difficult). Since we have the **ability** to read every letter (see Menachot 18b) and process the word by looking at it in a manner everyone calls reading, that reading relates to every letter. An expert on the reading of children with challenges confirmed that this child will, in all likelihood, not read by heart. Rather, his high familiarity with the text will help him read. While it may be somewhat different than the average person, it is considered reading from the *sefer Torah*.

Therefore, this boy may *lain*. His teacher should train him, like all bar mitzva boys, to read from the text. If he can move the *yad* along properly, he is reading!!

"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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Eretz Hemdah
Deans: Harav Yosef Caro
2 Bruriya St. corner of R
POB 8178 Jerusalem 910
Tel: 972-2-5371485 Fax: 972-2-5371486
amutah number 580120784

can Friends
z Hemdah Institutions
ppian, 8 South Michigan Ave.,
Chicago, IL 60603, USA
payer ID #: 36-4265359

www.eretzhemdah.org info@eretzhemdah.org

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Igrot HaRe'aya - Letters of Rav Kook

Printing of *Shabbat Ha'aretz* and Preparing for Parents' Arrival – #246

Date and Place: 22 Kislev 5670 (1909), Yafo

Recipient: Rav Shmuel Kook, Rav Kook's brother, who was involved in some of Rav Kook's publications.

Body: Thank you very much for bringing joy to my Shabbat, by sending me the book (Rav Kook's work on *Shemitta*, Shabbat Ha'aretz). Please send me a package of a few hundred copies as soon as you can. It is proper to print large envelopes to put the books into with stationery, so that we can send several hundred. This is also my intention for the future, should I have the strength to be involved in other similar works, regarding other *mitzvot* of the land, etc. These matters have more impact, even when done secretly, than mundane matters that are done with great raucousness. May Hashem fill our internal world with the air of *Eretz Yisrael* as much as possible, in a way that Hashem will be with us.

I do not understand your complaint and your agitation from the matter [of the planned and then cancelled fundraising trip with the Ridbaz]. I could not exempt myself from it, as it was a case of saving lives [for those who wanted to keep *Shemitta*]. True, it would hurt my heart to leave the Holy Land even temporarily, and now that there is no need, I thank G-d that I do not have to go, as nothing came of it. What other people have to say about it does not enter my considerations. (Ed. note – apparently there were rumors Rav Kook was going to fundraise and keep some of the income.) Only Hashem, Who sees into people's hearts, knows the rectitude of my heart and intentions, and that makes me as happy as all the riches in the world. My heart is strong with the bravery that comes with being truthful.

I also need cards [to go with the books]. Please print some for me with my personal stationery, perhaps with small envelopes. Of course, it should be in good taste.

We received a letter from our father's house, as they prepare [to move to the Holy Land]. Perhaps it is correct to point out that it is not worthwhile to sell all of their furniture; it is better for them to take some things that are expensive here.

It pays to start describing things in letters, so that they will not be shocked by the visible spiritual status of the Holy Land's inhabitants, as well as, and especially, our material situation. They should know that with all of the detriments, we are very happy with our lot, having the great fortune of living in our Desired Land. We hope they too will be happy here.

Instructions for a Sick Person – #247

Date and Place: 28 Kislev 5670 (1909), Yafo

Recipient: A man named Z'ev (translated from Yiddish)

Body: I received your letter and was very pained by your present medical situation. I hope that before long, your situation will improve with Hashem's help, and you will fully recover with His help.

Do not have any doubts about your wife. You should distance the non-Jew from the house, as much as possible, but without anger.

For Hashem's sake, learn every day one page from some holy book that you can. Some examples are: Menorat Hama'or, Shevet Mussar, Kav Hayashar, Nofet Tzufim, etc. – only holy books.

Do not go to a burial under any circumstances until you feel fully healthy. Please write me your mother's name.

Do not be afraid at all; Hashem will help you. Accept the idea, without making an oath, that when Hashem will help you and your livelihood improves enough that you will be able to live in *Eretz Yisrael*, that you will come. It will strengthen you, your fortitude, and your Judaism.

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

Nir Rephael ben Rachel Bracha
Ori Leah bat Chaya Temima

Arye Yitzchak ben Geula Miriam
Tal Shaul ben Yaffa

Neta bat Malka
Meira bat Esther

Together with all *cholei* Yisrael

P'ninat Mishpat

Mutual Repairs Agreement – part II

(based on ruling 82031 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The plaintiff (=pl) owns and operates an auto-repair shop. Pl and the defendant (=def) agreed (everything was oral) to an arrangement whereby def would use pl's facilities and tools to fix cars for his customers and rent storage area from pl. Def was to pay 15% of this income to pl. Due to technical pressures, pl received all of def's fees and paid def a monthly "salary," representative of def's earnings. [We will deal with various points of dispute in installments.] The two sides disagreed as to whether def has to pay pl 15% for repairs he does for free and for repairs he does for his own car. Pl sold def his car, but def did not change the name on the registration because he was in the process of bankruptcy. Therefore, bills that def has run up were charged to pl, prompting pl to revoke the car's license. Def now wants to reverse the sale with the claim that he had made it conditional on not changing title and demands extra money for improving the car while by him.

Ruling: 15% without payment received: Fundamentally, there is no difference whose car def repairs, as the point of payment is not profit sharing, but the amount of use of pl's premises. The 15% rate is just a convenient "meter" of usage. On the other hand, def is allowed to give customers discounts, and pl is to receive 15% of the paid price. Regarding cases in which def doesn't charge at all (e.g., for a relative), the majority of *dayanim* agreed on a compromise of giving pl as if the price had been half of the normal charge. When def did not receive anything because he did not succeed in extracting payment, he is exempt from paying pl.

Nullifying the sale of the car: First, we point out that a sale of a car can be legally binding without changing title, as opposed to the situation regarding the sale of a home. The title change was instituted as a declarative step, to prevent the buyer from running up liabilities on the sale (as happened here). As a movable object, the *kinyan* on a car is not by giving money but by *meshicha*, moving it in the capacity of the new owner. This occurs when one drives the car, at least when done in side streets, as classical Halacha subscribes regarding animals (see Shulchan Aruch, Choshen Mishpat 197:3).

Although def claims that the sale in this case was conditional, since pl disputes this, it is an example of a definite sale with a possible condition, and the burden of proof is on the one who wants to enforce the possible condition (ed. note- as we saw last installment). Because pl was being hurt financially by def's use of the car in his name and def did not act as requested, pl was permitted to prevent its use, and def will need to pay the fees of reinstating the car to legal use.

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