



Parashat Hashavua **Lech Lecha, Cheshvan 26 5786**

Harav Shaul Israeli zt"l
Founder and President

The Journey ... from Charan to Mt. Moriah and Beyond

Harav Yosef Carmel

The call to Avraham of "*Lech lecha*" (I will unsatisfactorily translate it as "you shall go") is found twice in Bereishit. Opening our *parasha*, Hashem tells Avraham to go to the land he will show him (Bereishit 12:1). In Vayeira, Hashem tells him to go to the Land of Moriah and offer Yitzchak as a sacrifice (*Akeidat Yitzchak*) on a mountain He would tell him (ibid. 22:2).

Where exactly was the altar upon which Avraham put Yitzchak? The place would become known to us only at the time of David, as the place where the *Beit Hamikdash* would stand. The connection between the location of the *Beit Hamikdash* and Avraham's Mt. Moriah is reported only in the context of Shlomo's construction efforts (Divrei Hayamim II, 3:1). Looking back, Avraham had indeed seen that this would be a mountain dedicated to interaction with Hashem (Bereishit 22:14).

The first *Lech lecha* was Avraham's first test, and the second one was his tenth and last test. This process shows the trajectory of his life work, which we will express as follows. The goal of Avraham's going to *Eretz Yisrael* was to reach the "top of the mountain" (Moriah) where he would be challenged by the greatest test so that his descendants would be able to see and be seen by Hashem in that place where Hashem's presence dwells. His descendants would form a special nation, qualitatively closest to Hashem (see Shemot 33:16).

We will now see several similarities between the depiction of *Akeidat Yitzchak* and the choosing of that same spot to build the *Beit Hamikdash*. 1) In both events, the "hero" (Avraham and David) builds an altar and offers a burnt offering (see Bereishit 22: 9, 13; Divrei Hayamim I, 21:26). 2) Hashem decides where the altar is to be built. 3) An angel from the Heavens communicates with the leader (Bereishit 22:11; Divrei Hayamim I, 21:16). 4) It is stressed that both of them acted in the morning (Bereishit 22:3; Shmuel II, 24:11). 5) Both events are connected to a day #3 (Bereishit 22:4; Divrei Hayamim I, 21:12).

All of the connections point to the following lesson. In the times of David, a process was culminated that had begun in the period of the forefathers, when Avraham entered the Land and paved the way, through "the actions of the forefathers are a sign for the offspring." This path brought us the Nation of Israel and its establishment in *Eretz Yisrael*.

Avraham lived in the Land (Bereishit 23:4), and prepared the turf for the fulfilling of the *beracha* he received – "I shall make you a great nation, I will bless you, I will make your name great, and you will be a blessing" (ibid. 12:2-3). The goal is that *Am Yisrael* will establish an independent state in *Eretz Yisrael* that will be a light for the nations of the world. This state shall have an army to protect its independence, and significant parts of its citizens will be like Avraham's disciples – those who learn Torah and also fight with valor – as well as like the students of David, who were gentle in the study halls and as hard as a tree on the battlefield (see Moed Katan 16b about Adino Ha'etzni). Such students will merit to build the *Beit Hamikdash*, in which the prayers of Israel will be heard (see Melachim I, 8:32).

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Ask the Rabbi

by Rav Daniel Mann

Kohen Who Has Trouble Standing

Question: I, an elderly *kohen* with weak legs and poor balance, walk with a cane. I walk up to *duchen* with a cane, stand near a wall, and lean during *Birkat Kohanim* (=BK). Is that valid? Can you suggest a good plan of action?

Answer: Asking your question takes bravery, as we understand that the prospect of not being able to *duchen* would be a great disappointment.

We will start with the strict requirements. *BK* must be done standing (Shulchan Aruch, Orach Chayim 128:14). The *gemara* (Sota 38a) learns this from the Torah's connecting of the *kohen's beracha* to his service in the *Mikdash*, which must be done standing. Because standing is a full requirement, if one leans on something during *BK*, it is invalid (Mishna Berura 128:51). However, one may lean a little, as long as removing the thing he is leaning on would not make him fall (see Zevachim 24a; Mishna Berura 94:22). It is also absolutely required for *kohanim* to lift their hands in the subscribed manner for *BK* (Shulchan Aruch *ibid.*; Sota 38a). This makes balance more difficult. You thus must figure out if you can use the wall for balance/security and "pass this test."

Realize that there are legitimate corners to cut to help you qualify. The Mishna Berura (128:52) accepts the Ktav Sofer's (OC 13) idea that the *kohen* needs to lift his hands only when he pronounces each individual word; he can rest in between. The same thing should be true regarding standing – one may lean as he likes in between pronouncing the words (Even Yisrael VII:10; Dirshu 128:70).

Let us rule out another question. A *kohen* may not *duchen* with blemishes on visible parts of the body because they distract the congregation's attention (Shulchan Aruch *ibid.* 30). Arguably, people could view your cane as distracting. However, this is not a problem. First, this is a questionable assumption. Second, if people are used to a distraction, e.g., the situation has existed for 30 days, it is no longer distracting (*ibid.*). Furthermore, since the cane is not in your hand during *BK*, it is not a halachic issue.

We did not find discussion on the presumably most physically difficult part of the process – turning around during the *beracha*, which *kohanim* do with the hands already up. We will share two good solutions for this challenge, after discussing the practice of turning around. The most important parts of *davening* are done facing the *aron kodesh*, and it is improper, without a good reason, to stand with one's back to it. However, Halacha made *BK*, at which the *kohanim* address the congregation, an exception (see Sota 40a). However, the *kohanim* turn to the congregation only when they need to, right before *BK*. The matter of timing of turning around and raising the hands is not intrinsic to *BK*, unlike the above matters. In fact, there is a *machloket* whether to turn around before the *beracha* (... *asher kid'shanu ... levarech* ...) or after it, and the present *minhag* is to turn in the middle of the *beracha* (see Aruch Hashulchan, OC 128:20). There is also a *machloket* whether to lift the hands before or after the *beracha* (see opinions in Va'ani Avarchem 19:2).

Given the fact that these questions of timing are just a matter of *minhag*, in your situation you can do what is physically best for you (you do not need to worry that other *kohanim* will resent your acting differently). Specifically, you can turn with everyone else, but holding your cane, and not raise your hands until you finish turning around and making the *beracha*. You can also turn, with the cane and at more leisure, before the *beracha*, and then put down the cane and raise your hands sometime before the *BK* itself.

In summary, you can appraise whether you can stand well enough at the critical times and figure out how to use legitimate corner cutters. You must make sure you are not endangering yourself concerning a dangerous fall. The wall may be a good solution, but something like a heavy *shtender* in front of you may be more effective and safer. Do not be embarrassed to ask for help to set things up best. Your lifetime of past and future *berachot* gives you rights!

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Moreshet Shaul

(from the works of Hagaon Harav Shaul Yisraeli zt"l)

Inability to Pass on Abandoned Tradition – part II

Based on Siach Shaul, Pirkei Machshava V'Hadracha p. 733 (1937)

[Last time, we saw Rav Yisraeli's principle that idealistic values can stem from previous generations and, if not connected to Torah, can "burn out" before the next generation.]

If we see an unusually large flame, in a place where we are used to a normal, stable flame, we should assume that it is not good, but that it is a sign of catastrophe. There must have been an eruption – perhaps a storehouse of petrol caught fire. The great flame is a sign that in a relatively short time, there will be nothing left.

It is easy to waste resources that one did not toil to attain. It is pleasant to appear to be generous, on the account of others, but such a situation cannot last for long. A treasure house, even the richest one, must dwindle if there is no flow of new resources to replenish it and provide sustenance. There is a reason, of course, that pioneer spirit appears headed toward disappearing from the world. There is a reason that the writer who writes about a pioneer has to go back to heroes of the past, as we are running out of such people – the store house is diminishing.

The "worship" of the land and of physical work stems from the same pure simplicity with which the worshipper's father would be excited when he prayed, "Because of our sins we were exiled from our Land." Ignoring one's personal welfare and finding one's essence in nullifying himself and embracing the life of the community occur because one of his forebears once left his wife, children, and possessions to travel to his spiritual mentor to "collect crumbs of clinging to Hashem." When one becomes ecstatic when dancing the Hora to the point of forgetting his senses, this stems from the forebear's excitement when dancing at *Kiddush Levana*, from the joy of Simchat Torah, and from the delight in the rest-day of Shabbat. The modern contentment with justice and a life of honesty is an echo of the forebear's prayers for a better world.

As long as the sublime feeling is still bubbling somewhere in the depths of the soul, such as when one remembers a *Seder* night with his father, or his grandfather's crying during *Tikkun Chatzot* (prayer for the rebuilding of the Temple), or the holy atmosphere during the High Holy Days, or the joy of satisfaction on Sukkot, he can and will find excitement in that which replaces these memories in his present life. He "builds his gods" in the likeness of the service of Hashem that he lost. However, slowly, the memories fade. The purposeless festivities and dancing cannot create within him new strength. The chicken coup cannot take the place of the Temple and the reins of the plough cannot take the place of the straps of *tefillin*. The illusion must by force evaporate. If it will not occur to the first-generation pioneer, it will happen to his son. The son is born without knowledge, never experienced a *Seder* night, never got up for *Selichot*, and never trembled in anticipation of shofar blowing. He cannot reach back and have the ability to make new gods, because he does not feel a need for them, for he did not lose a connection to Hashem.

There is great disappointment among the previous generation's intellectuals, as they are shocked by the emptiness of the new generation. A generation has arisen that does not find interest in a simple reading book. To them, football is as important as morning and evening prayers; it is a generation without yearnings, desire, or aspirations. They should just see the fruit of their leaving the Book of Books, which they disgraced in their interest in trying to build everything from anew, based on their foundations.

We daven for a complete and speedy refuah for:

Itamar Chaim ben Tzipora

Nir Rephael ben Rachel Bracha

Arye Yitzchak ben Geula Miriam

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Ori Leah bat Chaya Temima

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Together with all *cholei* Yisrael

A Seller with Questionable Rights to the Property – part I

(based on ruling 84062 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: Multiple plaintiffs (=pl), each paying different amounts, bought land from a company (=def1), owned by def2, dealing with land sold by Arabs, in the periphery of a yishuv. Def1 was also supposed to handle the registration of the property in pl's names. Years went by without the deal being completed, so pl demanded their payment back according to par 5.6 of their contract. Although a different document states that pl cannot get their money back, it was never signed, and the signed one says that it supersedes other agreements. Pl claims that def violated their agreement by not advancing it over years. More fundamentally, the sale should be void because pl was misinformed, as def has not provided any proof they own the property they purported to sell. Def1 claims they have 25% holdings in the company (=comp2) that arguably has rights to the property (the subject of court cases), but there is no record of def1's portion in comp2, which makes it a very suspicious claim. Def1 responds that he is very close with comp2's owner, so there is no need for official records of his rights. Pl also claim that even comp2's rights seem out-of-line with what def2 assured pl. Def1 counters that the nature of their operation is to deal with complex legal cases, as pl knew, and they should have done as much research as they wanted. [We will discuss other elements of the dispute in future weeks.]

Ruling: Since the document that the sides signed states that all other agreements are void, even if the unsigned one could have been relevant, it is not consequential. Actually, though, even the clause in the unsigned document only absolves def from payment if they try and do not succeed to sell their rights to a third party.

Regarding grounds for a refund, the fact that def1 has not succeeded in years to transfer ownership to pl is not grounds for breach of contract. The nature of this niche of property acquisition in Yehuda and Shomron is arduous and speculative, and pl did not prove that def1 did not go about it seriously. Regarding comp2's rights to the land, it is true that def was unable to provide strong evidence, but they did provide some indications, and it is possible that according to Jordanian law, which applies here, it may suffice. Therefore, pl has not proven a mekach ta'ut (erroneous purchase) based on this alone.

However, what is sufficiently indicative of mekach ta'ut is that def1 was requested and warned several times to substantiate his claim of a share in comp2 and did not do so. The Rosh (Shut 107:6) rules that a litigant's failure to provide information *beit din* seeks when he is presumed to have it is a strong indication that his claim is contradicted by what he is withholding. The claim of a close relationship between def2 and the owner of comp2 was not proven. Even if it were, a buyer should not be expected to rely on such trust between his seller and the possible owner of rights. Thus, there are multiple reasons to consider the purchase a mekach ta'ut.

We continue with more next time.

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