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HEMDAT YAMIM

PARASHAT HASHAVUA

Vayeitzei, 7 Kislev 5775

Where is the "Place," and Where is the Ladder?

Harav Yosef Carmel

Our *parasha* starts off with Yaakov's dream of a ladder reaching from the ground to the heavens, with angels ascending and descending (Bereishit 28:12). These angels use the ladder in carrying out Hashem's will. How are human beings, relegated to the ground, able to reach the level of agents of Hashem or reach the place of Beit El (literally, the House of Hashem) to see the ladder as Yaakov did?

One of Hashem's names is *Makom* (the Place), as we say in the prayer of *Acheinu*, "the *Makom* should have mercy on them..." The source for this usage appears to be in the *gemara* in Shabbat (12b), where Rabbi Yehuda said that one who visits the sick should say "the *Makom* should have mercy on you and all those who are sick in Israel." A much earlier source for this Name may actually be hinted at in our *parasha*.

In the section that describes Yaakov's special stay in Beit El, the most frequently repeated word is "*makom*," referring to the place where these events transpired. This word signifies that the place was a special, sacred one. The sanctity is not a function of human intervention but of the presence of the *shechina* (Divine Presence), which, Yaakov found out in his dream, existed there.

As was hinted in the *gemara* above, the *shechina* is also present at the bedside of the ill, as the *pasuk* says, "Hashem will support him on his bed of anguish" (Tehillim 41:4 – see this week's Ein Ayah). Hashem is there to give strength to the sick person, and, for that reason, one who visits should act with the respect due to such a holy setting. That is why the prayer said there includes the name *Makom*.

Is it possible to induce the *shechina* to come to other places where we would like it? The answer may be found in the continuation of our *parasha*, when Yaakov responded to Hashem's tidings for him. Yaakov made an oath that, in response to his success, he would "give to Hashem" a tenth of what he received (Bereishit 28:20-22). This oath is the basis for the generations' old *minhag* to give one tenth of one's total income to *tzedaka*. These funds do not become sacred and they are used, not for sacrifices or the like, but for acts of kindness toward Hashem's creations. This is an example of *imitatio dei*, copying divine traits such as visiting the sick (see Tanchuma, Vayishlach 10).

One who acts in such a generous way has "Hashem with him," as Yaakov described. Such a person can go up and down the "ladders" that Hashem made, as the Tanchuma (ibid.) describes that Yaakov went to Aram without as much as a pillow for his head and came back from Lavan's house as a rich man. When one uses his money properly, he does not need angels and physical ladders. As Rashi says in the *gemara* above, when one, such as a sick person, is privileged to be visited by the *shechina*, he does not need angels to aid his prayers.

May we always merit being in the right *makom*, doing the right things, and thereby acquiring the ladders that we need to continuously ascend.

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by Rav Daniel Mann

Lighting a Candle When the *Ner Tamid* Is Out?

Question: One day there was a power outage in our area while I was in my *Beit Midrash*. Emergency lights were on, but the *ner tamid* (eternal flame) was off. Were we required to go get a candle to serve as a *ner tamid*, or could we wait until the lights would come back on?

Answer: The idea of a *ner tamid* is both an ancient practice, first alluded to in Shemot 27:20), and a more recent one, as we will see. In the *Beit Hamikdash*, the “western lamp” of the *menora* was supposed to always be lit. Now that there is no *Beit Hamikdash* and our *shuls* have assumed some of its place in our lives (Megilla 29a), some say that the *ner tamid* is among the specific *mikdash*-like features that have been adopted (see Binyan Tziyon 12; Terumat Hagoren 1:37).

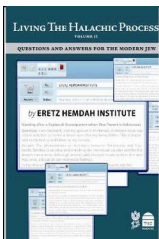
I have been unable to find a reference to a “*ner tamid*” in a *shul* before the Terumat Hadeshen (15th century Germany). On the other hand, lights in *shuls* are discussed well before that, and they are an important part of a *shul* to which some specific *halachot* pertain. For example, they cannot have any connection to idol worship or worshippers (Shulchan Aruch, Orach Chayim 154:11). This, though, refers to lights in general, and not necessarily to a *ner tamid*.

Some sources refer to the practical need of being able to see and read, especially at night. Others, including the Rambam (Tefilla 11:5) and the Rosh (Shut 5:8), refer to good lighting as one of the ways to show honor (*kavod*) to the *shul*. The concept we know of *ner tamid* is that even *shuls* that have extensive lighting and expensive chandeliers, additionally have a specific *ner tamid*, usually in the front of the *shul*, which stays on even when other lights are off.

Is it required for there to be a light in *shul* at all times? The Shulchan Aruch (Orach Chayim 514:5) says that it is permissible on *Yom Tov* to light candles in *shul*, as the *mitzva* purpose justifies doing *melacha*. The Rosh (ibid.) says that it is permitted even to light these candles in the afternoon and have them last into the next day (e.g., Shabbat, second day of *Yom Tov*) because the *kavod* it brings immediately suffices. While the Rashba (III:277) was not convinced that this type of benefit justifies *melacha* on *Yom Tov*, he agrees that generally it is proper to have light for the *kavod* of the *shul*, apparently beyond that which is technically necessary. The Magen Avraham (ad loc. 14) says that it is even permitted to light candles at the time that people are not in *shul*, as the honor still applies.

Indeed, it is usually assumed that light is worthwhile even when people are not there, but that still does not mean that there is a literal concept of *tamid* (constant). The Rav Pealim (II, OC 43) discusses a *shul* that was afraid, for safety reasons, to leave candles lit all night in *shul* and wanted a non-Jew to blow them out and relight the next morning (Shabbat). He mentions that even when blowing out all the lights, they must certainly keep at least one candle lit in a safe place because it is not *kavod* for there to be pitch dark in the *shul*. He seems to assume that when there is daylight, one candle does not make a difference and is not needed (the Magen Avraham, ibid., is likely talking about several candles, which are noticeable even during the day).

Putting things together, nowadays there is a *minhag* to have a specific *ner tamid* in *shul* at all times. Since it is so easy to just leave it on always, it is unclear whether it is important that it remain on during the day as well. However, the *minhag* does not appear to be strongly modeled on the *Beit Hamikdash*. One of several signs that it is intended for a more practical than ritual *kavod* is the fact that we use electricity rather than olive oil (see Maharam Shick, Yoreh Deah 83), unlike the more *mikdash*-related Chanuka lights. There are few if any sources that indicate there is a problem if a relatively short period goes by without a specific, set *ner tamid*. Therefore, it does not seem that it was necessary to get candles, especially during the daytime and certainly when emergency lights were on.



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Ein Ayah

(from the writings of Harav Avraham Yitzchak Hakohen Kook, z.t.l.)

Divine Support of the Sick

(condensed from Ein Ayah, Shabbat 1:50)

Gemara: How do we know that the Divine Presence supports the ill? It is as it says, “Hashem will support him on his bed of anguish” (Tehillim 41:4).

Ein Ayah: Spiritual powers operate significantly to strengthen physical powers. Consolation, love, and all the emotions of integrity and altruism that enter man’s soul, calmly and with a good heart, strengthen not only his spiritual powers, but even his physical power. This is in line with the *pasuk*, “Fear of Hashem shall add days” (Mishlei 10:27). In contrast, jealousy, desires, seeking honor, anger, dissatisfaction, lack of faith, and ill-heartedness have a negative effect on the foundations of the body.

Hashem put into the human characteristic that at the time of his illness, when his physical side is on the verge of collapse and even death due to his overall weakness, his spiritual side has the tendency of being strengthened and positive powers are awakened. In place of a bad heart and a difficult spirit comes a heart of tender flesh. Holy images draw closer to his heart, even though they were distant from him when he was healthy because of the coarse materialism that ruled over him. Belief in Hashem and hope well up within him, and this provides him with support for his waning strength.

This is actually a case of Hashem supporting him, and this is indeed a purpose of the disease in the first place – to elevate man from his material lowness. A person is not extricated from disease without receiving atonement for sins, as is hinted in Iyov 33:25. This situation itself strengthens the powers of his spirit, and this added spiritual vigor strengthens his physical side, as the *pasuk* says, “A man’s spirit gives strength in his illness” (Mishlei 18:14).

Half of One’s Lifetime

(condensed from Ein Ayah, Shabbat 1:56)

Gemara: There was a student who learned a lot of Mishna and Torah and studied a lot with Torah masters, and he died at half of his lifetime. [*The gemara goes on to tell that this occurred because he was particularly lenient in his personal life when it came to family purity.*]

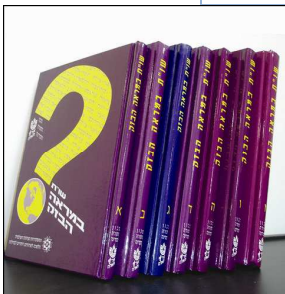
Ein Ayah: The days of a person’s life can be broken up into two parts. The first part is when he completes himself, both in the physical realm and afterward in the Torah realms of knowledge and understanding and in the realm of ethics. In the second part of his lifetime, he should begin to influence others, sharing the goodness he has developed with those younger than he, so that they too can follow the straight path.

There are people who have ruined their standing in their personal development, and they are not even worthy of receiving a complete first stage of their life. About them the *pasuk* says, “Men of blood and trickery will not have even half of their days” (Tehillim 55:24).

In contrast, the young scholar about whom the *gemara* spoke was fit to complete his allotted days from a personal perspective. His shortcoming, which made it necessary for him to die, did not have to do with his personal development but on the impact that his actions could cause in the future.

His problem was in regard to the second part of his life, which has to do with preparing the next generation and the impact on young people with whom he would come into contact. He was liable to cause deterioration in those who would receive from him. The small fissure in the scholar could turn into major deficiencies in those whom he would lead. That is why he died at half his lifetime, to avoid those dangerous outcomes and to allow others to train the next generation in the correct way.

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P'ninat Mishpat

A Husband's Obligation in His Wife's Loan

(based on Shoel U'meishiv, II:II:18 –part I)

[A woman, whose husband was away from home for an extended period of time, borrowed money, which included payments of expected profits based on a heter iska, which stated that she invested the money she received. Now she claims that she gave the money to one specific person and did not see profits, and so she is not willing to pay the promised profits. Upon the husband's return, he claimed that he was not obligated to return even the principal, because his wife took the loan without his authorization.]

(We will deal with different elements of this case next week.)

Regarding the husband's responsibility, there is a situation known as a wife who is involved in the financial activity of the home. The Rama (Choshen Mishpat 96:6) says that while there is an opinion that the husband is obligated for the debts created by his wife who is active in the finances of the home, the halacha is like the one who says the husband is not obligated. The Shach (ad loc. 9), though, argues convincingly at length that a husband is obligated for such a wife's activities. In any case, when the common practice in society is that wives not only get involved in financial dealings but are generally authorized by their husbands to create obligations for them, the Rama agrees that this is binding on the husband. While the Minchat Yaakov argues on the Shach, his arguments are not convincing and, in any case, should not stand against the common practice, as the Tummim points out. Therefore, the husband is obligated not only in the principal but potentially even in the profit payments.

The Chut Hashani (Shut 43) talks of a woman who accepted to become a guarantor for a loan from which she also benefited. He rules that she becomes obligated as a guarantor even if her husband was unaware of this activity. The Beit Shmuel (102:8) says that when she is a financially active woman and the money also goes through her hands, she becomes a guarantor. He continues that if the funds also went through her husband's hands, he also becomes a guarantor even according to the Rama (above) because the Rama was talking about a case where the money did not get to him.

Based on the Beit Meir (ad loc.), we should explain that if the husband and wife work jointly with the money, then when she is given money to which he also obtains access, the two are considered partners in it. If one demands from the husband the return of money given to the wife, the husband can be forced to pay only if he admits or it can be proven that the money made it to him. Otherwise, he is not always liable, although in some cases there is a *takanat hashuk*, based on which we assume the husband did become responsible.

In this case, one of the factors that contribute to the assumption that the wife was authorized to obligate the two spouses in the loan is the fact that he was away for an extended period of time (see Knesset Hagedola, CM 62:8). In that case, even the average wife, who is not very financially active, is assumed to have authority to keep the household or her husband's business going, which requires such authority.



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Rabbi Yochai Makbili, editor in chief of the 'Mishne Torah' Project

Ascending to Heaven and Down to Earth!

R. Yossef Elbaz

In the introduction to "The Guide for the Perplexed" Maimonides states that generally the figures employed by prophets can be divided into two groups. In one group are the parables that are meant to show the reader a single general idea and all the details are simply required to give the simile its proper form and order, or to conceal the idea. In the second group are very deep prophetic figures where almost every word represents a certain idea.

Maimonides doesn't tell us which prophetic figures in the torah and in the profits belong to which group, but from the first two examples he gives in his introduction it becomes clear to us that Jacob's dream with the ladder belongs to the group of prophetic figures where each part has great meaning: "The word 'ladder' refers to one idea 'set up on the earth' to another 'and the top of it reached to heaven' to a third 'angels of God' to a fourth 'ascending' to a fifth 'descending' to a sixth 'the Lord stood above it' to a seventh. Every word in this figure introduces a fresh element into the idea represented by the figure" (The Guide for the Perplexed introduction)

In the introduction to "The Guide for the Perplexed" Maimonides doesn't explain each and every part of the prophetic figure. But later on in the book he almost off handedly explains what the angels that ascend and descend the ladder represent: "'Angels of God' who were going up represent the prophets... How suggestive, too, is the expression 'ascending and descending on it'. The ascent is mentioned before the descent, in as much as the 'ascending' and arriving at a certain height of the ladder precedes the 'descending' i.e., the application of the knowledge acquired in the ascent for the training and instruction of mankind. This application is termed 'descent' (The Guide for the Perplexed ONE,XV). According to Maimonides the ladder represents the connection between God and the world, and the angles who are ascending and descending are nothing but people who transcend to the rank of prophecy who understand the connection between God and the world which is reflected in the ways God supervises and runs the world. A real prophet does not only ascend the ladder but also knows how to descend it, a leader and a mentor, and realizes his understanding of the ways of God in how he leads the community and nation.

In fact, each of us is tasked with observing, as much as we can, the ways God runs the world and trying to act in that manner as much as possible, in order to bring the insights from the Torah into day to day life. Everywhere and all the time.

*The Mishne Torah Project – the whole Torah for everyone is an initiative to make the Rambam and his outlook approachable, written in collaboration with Eretz Hemdah and other organizations.

