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Founder and President

HEMDAT YAMIM

Parashat HaShavua

Vayeira, 18 Cheshvan 5777

About Altars, Monument, and ... Trees

Harav Yosef Carmel

In describing Avraham's building of a spiritual legacy, the Torah says: "He planted an *eshel* in Be'er Sheva and called out there in the name of Hashem, the eternal G-d" (Bereishit 21:33). With the help of this *pasuk* and a difficult and extremely harsh one in Yeshaya, we will discover an unknown element of worship of Hashem practiced at the time of the forefathers.

Avraham and Yitzhak erected altars to Hashem (see Bereishit 13:3-4; *ibid.* 26:25), and Yaakov erected both an altar (*ibid.* 35:6) and a monument (*ibid.* 28:18). What is the idea of the tree that Avraham planted? A tree?! It sounds like an *asheira* (tree of idol worship), Heaven forbid!

Our surprise strengthens when we consider that the center that Avraham established in Be'er Sheva was a central part of his service of Hashem. For example, we see that after the Binding of Yitzhak in Jerusalem, Avraham returned to Be'er Sheva (*ibid.* 22:19). The Ramban (to Bereishit 23:2) explains that he did so because of that *eshel*. This is where he received the command to bring Yitzhak as a sacrifice, and this is where he thanked Hashem for the good outcome. We conclude that our forefathers used various tools to serve Hashem, including those that Hashem later commanded to discontinue. (See Devarim 16:21-22, which mentions consecutively the prohibition to use both a monument and a tree of worship.)

We will use this introduction to try to explain one of the hardest *p'sukim* in Yeshayahu (6:13). "And there will still be a tenth, and it will return and will be destroyed like an *elah* tree and an *alon* tree, which when it sheds its leaves (*shalechet*), its monument is in them, their holy seed is its monument." We cannot explain the whole *pasuk* (readers are invited to see Tzofnat Yeshayahu, p. 52-61). We will just point out that the *pasuk* mentions monuments and two trees: *elah* and *alon*. These, along with the *eshel*, are theophoric names – those which include hints at a divine name – as all these trees have the letters *aleph* and *lamed* in their short names.

What is the significance of these trees and what does the idea of *shalechet* represent? We will cite Rashi's third explanation. There was a gate in Yerushalayim whose name was *Shalechet* and there stood an *elah*, an *alon*, and a monument. They were used for service of Hashem since the time of the forefathers, and perhaps they were already used from the time when Shem, the son of Noach was in Yerushalayim. By the time of Yeshayahu, the Torah had long ago forbidden using these trees in the service of Hashem. However, since at the time they were planted, they were used for Hashem in a permitted manner, it was forbidden to destroy them.

This *pasuk* compares between the Shalechet Gate trees and Bnei Yisrael. Just as the former are protected from destruction, in the merit of the forefathers who used them properly, even though there were subsequent people who used them improperly, so too Hashem protects the survival of Bnei Yisrael, which is founded in purity, because of our roots.

Let us pray that we will be able to find protection from all our enemies in the shade of the Divine Presence in the merit of our nation's founders. Let us internalize this idea and strive jointly for a more elevated life of justice, truth, and spirituality.

Refuah Sheleymah to Orit bat Miriam

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Ask the Rabbi

by Rav Daniel Mann

Child Riding a Bicycle on Shabbat

Question: May a child ride a bicycle on Shabbat in a place that has an *eiruv*?


Answer: When bicycles became popular, many *poskim* discussed their use on Shabbat, and almost all forbade it, for one or more of the following reasons. 1) *Uvdin d'chol* – This is a weekday-like activity, for, amongst other reasons, it is a mode of transportation that takes people to many places for purposes that include non-Shabbat-appropriate ones (see Tzitz Eliezer VII:30). 2) Bicycles often need repairs that a rider might perform while forgetting about Shabbat (see *ibid.* and Yaskil Avdi III, Orach Chayim 12). 3) One might ride outside the *techum Shabbat* (boundaries of travel outside the city). 4) When riding on ground, one makes grooves (Shut R. Azriel Hildesheimer I:49). While Rav Yosef Chayim of Bagdad (Rav Pe'alim I, OC 25) dismissed the issues and permitted riding a bicycle (some say he later changed his mind), the consensus of both Ashkenazi (see *Shemirat Shabbat K'hilchata* 16:18) and Sephardi *poskim* (see *Kaf Hachayim* 403:8) and the broad *minhag* is to forbid it. While, in theory, Rav Ovadia Yosef did not find any of the halachic issues formidable, he agreed that one should not ride a bicycle on Shabbat (see *Yabia Omer*, OC 55:29 and *Chazon Ovadia IV*, p. 40). The increasing popularity of electric bicycles likely makes all bicycles even more problematic (one can make the opposite claim).

Your question, regarding children riding, deserves consideration on a few grounds. First, most of the reasons to forbid bicycles apply less to a child, especially a young one. He uses a bicycle as recreation, which is harder to call *uvdin d'chol*, and he is arguably less likely to leave the city or fix it when it breaks. Furthermore, when there are strong grounds to claim that a certain practice is permitted but a stringent opinion is more accepted, we have halachic precedent for being lenient regarding children. See for example, Rav Ovadia Yosef's suggestions regarding waiting less than six hours between meat and milk for children (*Yabia Omer III*, *Yoreh Deah* 3) and allowing for them cheese produced by a non-Jew without supervision in a case of need (*ibid.* V, *YD* 11; *Sdei Chemed* vol. VIII, p. 238, regarding feeding children certain foods on Pesach that adults refrain from due to a (remote) possibility of *chametz*). See also a statement in this direction in *Beit Yosef*, OC 269.

We have seen at least one important *posek* who permitted bicycles for adults and others who implied that while the *minhag* is to be stringent, it is possible that this is a stringency. This makes bicycles for children a good candidate for leniency. Contemporary *poskim* do take this approach – but only partially. *Shemirat Shabbat K'hilchata* (*ibid.*) says that, except in places where the *minhag* is to be stringent, children may ride tricycles – but not bicycles. He cites two distinctions between the two (see *ftnt.* 53). 1) Tricycles wheels do not have an inflatable tube, which is one of the reasons to forbid bicycles. 2) A tricycle is clearly a form of recreation, as opposed to serious transportation. It is also likely that he factored in the fact that the average tricycle rider is usually much younger than the average bicycle rider.

We summarize as follows. Conventional Orthodox wisdom has determined that bicycles are forbidden – period. Therefore, we are not open to leniency just based on age. Only in the separate, albeit related case of tricycles, have *poskim* added up the halachic indications in a manner that permits their use.

Since a large part of the prohibition of bicycles, especially for children, is based on *minhag*, there is no need to oppose a practice of leniency that may exist in certain communities (more likely among Sephardim). In general, even if a child is violating a clear Rabbinic prohibition, one does not have to stop him or even tell his father to do so (see *Shulchan Aruch*, *Orach Chayim* 343:1 and *Mishna Berura* 343:3). It is even legitimate, even for a father, to allow his minor child to ride a bicycle on Shabbat if it is in consonance with the local *minhag*.



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Ein Ayah

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

A Higher Level than Too High

(condensed from Ein Ayah, Shabbat 2:273-4)

Gemara: [Rav Shimon and Rav Elazar left the cave and were distressed by people occupied with agriculture.] Everyplace that they looked was consumed by fire. A *bat kol* (Heavenly voice) called out: "Have you come out to destroy My world? Return to your cave." They went back in and lived there for twelve months. After twelve months, they said: "The verdict for the evil in *Gehinom* is twelve months."

Ein Ayah: Hashem's opinion is, of course, inestimably higher than that of any human. Hashem determined that despite all the evil and lowliness that can come from concentration on mundane needs, when life, with its blemishes, proceeds according to the divine plan, light can come specifically through unsightly things. The light can expand to give meaning to such activities and provide light for righteous and straight-hearted people.

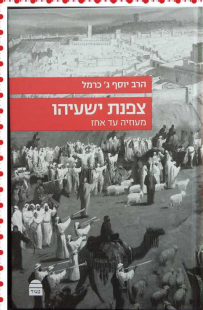
One should start with the highest level of sanctity applied to lowly elements of life to maintain them as is. Then, slowly and incrementally, one can purify matters until they eventually reach the goal that the Creator intended for them.

Hashem complained to Rabbi Shimon and Rabbi Elazar, who had not yet reached the level at which they were able to connect themselves on their high level to the low level at which simple people interact. This caused them to want to destroy the lower level so that they could build a higher level on top of the ruins. In fact, they should have strove to improve the world slowly until people's lives would be perfected and evil would turn into good.

Therefore, they were told to return to the cave to go up to yet a higher level, so that they would have such wisdom and sanctity that they would be able to actually go down to the level of people leading a normal life and fix them the way Hashem wanted. This is in line with the *p'sukim*: "The world is built on kindness" (Tehillim 89:3) and "The world was not created to be void" (Yeshaya 45:18).

After twelve months, they felt that they had to reach the level of closeness to Hashem's wisdom at which they would be able to find interest in improving life as simple people experience it despite their own lofty level. This is, after all, how Hashem wants the world to be – repaired according to His attributes.

In order for Rabbi Shimon and Rabbi Elazar to succeed in this task, they needed to change things in the very essence of their spirit. They had to take this outlook of raising life as is to a higher level without eradicating the present situation with some swift revolution, which requires the destruction of the world as we know it. Therefore, they were given the amount of time that it takes to fix the souls that have serious blemishes (in *Gehinom*) and to turn them into a new essence for the good.



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

Control of Shul-Based Vending Machine

(based on ruling 71008 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The plaintiff (=pl) placed a vending coffee machine in a *shul* (=def) with the *gabbai's* permission. It was agreed that he would pay 80 shekels a month for water and electricity. Over time the *gabbai* became opposed to the business, claiming that there were multiple complaints from *shul*-goers over coins lost in the machine and the product's poor quality. First, it was decided to raise the charge to 100 shekels a month. Later, *def* demanded *pl* to give up the business. *Pl* demands compensation for lost revenue and also for effectively voiding his sale of the machine/business to Reuven, with the latter now demanding a return of 7,400 shekels. *Pl* claims that the *gabbai* wanted to replace him with Shimon, who would pay more money than he was. *Pl* claims that the *gabbai* exaggerated problems with the machine, which *pl* tended to promptly. Shimon is a professional in the field of coffee machines. He came to look into the complaints and eventually took over the business after *pl* was asked to leave. He described the consequences of *pl's* lack of proper upkeep of the machine and what should be done. After using the old machine for a month, after paying *pl* 2,600 shekels for it, Shimon installed a new machine, as *def* required. His reported sales during the time of his operation were four times that of *pl's*.

Ruling: *Pl* did not claim that a *kinyan* was made to concretize any rights he might have in maintaining a concession in the *shul*. His monthly payments were to cover expenses and not for rental rights. *Def* agreed to the arrangement as a resource for their congregants. Therefore, they do not have long-term obligations toward *pl*. Even if there were such an obligation, it is far from certain that *pl* would have the right to unilaterally sell his rights to a third party. *Def* certainly does not have obligations to restore *pl's* anticipated future profits.

One can raise the question whether *def* acted morally or were responsible on some level for *pl's* losses. There are clear indications that there were deficiencies in the service that *pl* provided. It was right for *def* and its *gabbai* to ensure that their congregants were receiving sufficient quality for that for which they were paying, and they went about decision-making according to the rules of the *shul* and a spirit of fairness. No proof was provided that the *gabbai* acted with malice or with an eye toward personal profit. Although Shimon is an interested party and not an objective witness, his testimony strengthens a logical picture of the issues which caused *def's* actions.

Def is exempt from paying, including in taking part, as is customary, in half of the *beit din* charge.

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