



HaRav Shaul Israeli zt"l
Founder and President

HEMDAT YAMIM

Parashat HaShavua

Beshalach, 13 Shevat 5779

Pi Hachiroth

Harav Yosef Carmel

The Torah describes where the nation went right after being sent out of Egypt. They did not take “the path of the Land of the Plishtim” because it was too close (Shemot 13:17). They started in Rameses and Sukkot (ibid. 12:37). They continued in Eitam (ibid. 13:20). Then we find the command which took Bnei Yisrael to the place of *Kri'at Yam Suf*: “... before Pi Hachiroth, between Migdol and the sea, before Ba'al Tzfon” (ibid. 14:2).

What is the significance of all of these places? The Ibn Ezra says simply that these are names of places that [happen to be] there. The Mechilta D'Rabbi Yishmael (Beshalach 1) shares with us the significance of these places. Chirot refers to the idol worship of the Egyptians. Between Migdol and the sea was the place of the greatness of Egypt, as their storehouses of precious metals were found there. Some say that these are hints at the events relating to Bnei Yisrael: they became *inei chorin* (free men) at Pi Hachiroth, and *Migdol* refers to the place that miracles were done for them (Midrash Aggada, Beshalach 14).

Some commentaries connect these places to other appearances of similar words in *Tanach*. Seder Olam Rabba (1) claims that Pi Hachiroth was the new name of Pitom, one of the cities that the Israelite slaves built for Paroh (along with Rameses). The Land of Rameses was also the place where Yosef settled his father and family when they first came down to Egypt (Bereishit 47:1). The Mechilta says that this was also the place where Yosef gathered the gold and silver that he collected from selling the excess wheat. It was thus appropriate that Bnei Yisrael would take a major step toward receiving their due for their hard work and subjugation in that place. The Yerushalmi (Sanhedrin 10:1) posits that it was there that Korach uncovered the money that made him particularly wealthy.

The great wealth that Yosef accumulated during the years of famine had a part in the enslavement of the Jews in Egypt, as they were involved in building treasure houses for that wealth. On the other hand, the riches that Hashem promised to Avraham's offspring when they would leave the land of their subjugation was partially fulfilled with money from Pi Hachiroth. In yet another twist, the riches that came to Korach contributed to his feeling the confidence to challenge the authority of Moshe.

International commerce passed near Migdol (see Yirmiyahu 44:1), and the path nearby is called “the path of the Land of the Plishtim.” This is also the route which must not be used in returning to live in Egypt (see Devarim 17:16).

Leaving Egypt includes the idea of extricating ourselves from the world of materialism, which Egypt represented. Even if the exposure to the materialism of Egypt can bring economic sufficiency, it is still not allowed. That is why Bnei Yisrael could not take the Migdol route and had to turn to the direction of the desert at that point (see Shemot 13:18).

May we merit seeing miracles like those at the time of the Exodus from Egypt (see Micha 7:15), and may material plenty serve to help us achieve spiritual emancipation.

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 Reuven Aberman z"l Tishrei 9, 5776	Mr. Shmuel Shemesh z"l Sivan 17, 5774	Rav Asher Wasserteil z"l, Kislev 9, 5769	Mrs. Sara Wengrowsky bat R' Moshe Zev a"h, 10 Tamuz, 5774		
Hemdat Yamim is endowed by Les & Ethel Sutker of Chicago, Illinois. in loving memory of Max and Mary Sutker & Louis and Lillian Klein , z"l	R' Yaakov ben Abraham & Aisha and Chana bat Yaish & Simcha Sebbag , z"l	Rav Yisrael Rozen z"l Cheshvan 13, 5778	R' Benzion Grossman z"l, Tamuz 23, 5777	R' Meir ben Yechezkel Shraga Brachfeld z"l	R' Eliyahu Carmel z"l Rav Carmel's father Iyar 8, 5776	

Rav **Moshe Zvi (Milton) Polin** z"l Tammuz 19, 5778
HaRav Professor **Reuben M. Rudman** ob"m

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



Eretz Hemdah

Deans: Harav Yosef Carmel, Harav Moshe Ehrenreich
2 Bruriya 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

Sefarim under Seats

Question: In our *shul*, the seats have drawers underneath them to store *chumashim*, *siddurim*, etc. Thus, we sit over these books. Is that allowed?

Answer: A few *gemarot* are relevant. One (Berachot 18a) forbids putting a *sefer Torah* under one's saddle when riding an animal unless it is necessary to protect it. Another *gemara* (Menachot 32b) cites an opinion (accepted by the Shulchan Aruch, Yoreh Deah 282:7) that one may not sit on a bed that has a *sefer Torah* on it. A final *gemara* (Berachot 24b, see Shulchan Aruch, Orach Chayim 40:3) discusses having *tefillin* that are incased in coverings under him as one lies in bed. It is a forbidden disgrace if they are under his feet. It is more lenient if they are by his head, especially if not directly below it.

To which case should we compare a storage box underneath a seat? The Rama (Shut 34) compares it to sitting on the same bed with a *sefer Torah* and forbids most cases. Ohalei Yaakov (Sassportas, 1) compares sitting over something to putting it under his feet, i.e., it is more degrading than having it by his head, and, at first, he forbids it.

Yet, there is some room for leniency because one does not sit on it but above it. As Bnei Yonah (YD 282:7) points out, it is certainly permitted to walk in a room directly above a *sefer Torah* on the floor below. In that, there is a clear break between where one is sitting/standing and the holy article. In contrast, not all agree that being directly under the top of "storage box" creates such a separation (Rama, *ibid.*; Taz, YD 282:4). A very large box, (containing 40 *se'ah* – approximately the size of a person) makes it considered a separate domain and permitted to sit above (*ibid.*).

The *gemara* does mention that the *tefillin* are beyond disgrace if they are three *tefachim* (around ten inches) above or below where the person is lying. However, not all agree that so much space is necessary. The Ohalei Yaakov (2) suggests the following based on a comparison to sitting next to a *sefer Torah*. If the Torah is not directly on the bed but rests on something of even minimal height which is on top of the bed, one may sit elsewhere on the bed. So too, when sitting on the storage box, if there is any noticeable space between the *tefillin* and the bottom of the seat, it is permitted because of the separation. The Mishna Berura (40:13) cites the stringent and lenient as equals; if there is a *tefach* of space, he permits it. The Tiferet L'Moshe (YD 282; see Pitchei Teshuva, YD 282:8) says that the matter depends whether the bottom of the cover/seat touches the *tefillin* [case]. His distinction probably is not about separation but about connection. The *gemara* talks about soft coverings around the *tefillin*, so that one's weight presses on them and thus disgraces them. When they do not touch/press, there is less disgrace. Ohalei Yaakov also suggests that in a crowded *shul*, the idea of protecting the holy article might apply.

One might argue for more leniency when discussing, not a *sefer Torah* or *tefillin*, but printed Torah texts. However, this does not create automatic permission (at least for Ashkenazim – see Yabia Omer IX, YD 22) without strong reason for leniency (see Ohalei Yaakov 1). Some say it is better if non-*kodesh* objects are also present (Pitchei Teshuva *ibid.*).

Physical distinctions may be significant. Most of the *poskim* discuss sitting on the box's cover. The Taz, who was generally *machmir*, says that if the furniture is connected to the wall, it is permitted. Presumably, the same is true if the bench is drilled into the floor. If the box is separate from the bench, it is likely not considered that one is sitting on the *sefarim* below. What you describe as a shelf connected to the bench seems equivalent to what the *poskim* discuss (see Shemirat Shabbat K'hilchata 20:35 regarding *muktzeh* in the drawer of a table).

In summary, leniency is certainly legitimate in your case, with it being somewhat better if: you do not have *tefillin* in there; there is room between the top *sefer* and the seat above; non-*kodesh* objects are also present.

Do not hesitate to ask any question about Jewish life, Jewish tradition or Jewish law.

▶ SEND NOW!



The book cover for "Living the Halachic Process" features a geometric design with overlapping triangles in shades of blue, green, and white. The title and author information are printed on the cover.

We are happy to present our fourth volume of
"Living the Halachic Process".
The book offers a compilation of questions and answers
from our "Ask the Rabbi" project.
Sources for the answers can be downloaded
from our website.
Special price for Hemdat Yamim readers: \$20

Ein Ayah

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

[The *gemara* continues to look at Aramaic words, looking at similarities to other words.]

The Purity of a Bed

(condensed from Ein Ayah, Shabbat 8:33)

Gemara: *Puria* (a bed) relates to the place where *peru u'revu* (having children) is performed.

Ein Ayah: The ideal of increasing life, which is equivalent to bringing in the light of life, is the main foundation which gives the pure value to a life of sanctity (i.e., avoiding promiscuous activities). It is the matter of life that distinguishes between sanctity and impurity and between the purity of life and its defilement.

Spiritual pleasantness emanates from a lofty holy source, from the source of the light of life. This pleasantness is revealed in a holy soul according to its level of sanctity. This level of sanctity corresponds to the degree to which the ideal divine foundation is able to purify the coarseness of animalistic tendencies. The lofty goal of building the world in a light of benevolent giving (i.e., through procreation) draws along the fundamental force of the inclination toward sexuality, and this goal is able to sanctify the inclination.

Due to the above, a bed is given the association of the place where one is focused on the goal of procreating, not on his animalistic feelings.

Looking at the Full Empty Whole of the Hole

(condensed from Ein Ayah, Shabbat 8:34)

Gemara: A *bor zinka* (dried out water pit) represents the idea of *bor zeh naki* (this pit is clean).

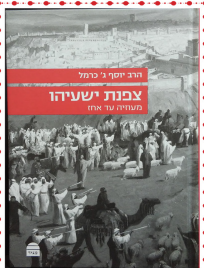
Ein Ayah: Not always are lackings necessarily bad things. There are times that a lacking actually brings along higher levels or at least saves one from other lackings, and one should be aware of this.

One should always look with this type of positive outlook, which penetrates reality in the constant search for that which is good, even when a lacking is clear. When one expresses himself in a manner of taking this positive approach, he impacts the very concept of the search for goodness, as good speech translates into good thinking.

When a water pit is dry, it is basically a situation of lacking, and it is very understandable to just call it empty. However, a water pit is often very dear to people, as people enjoy it and drink its water. Therefore, when it ceases to pour forth its blessing, as its water has left it, we describe it in a manner that preserves its honor. We do this by finding something positive about the fact that it is empty.

Therefore, we say that the pit is clean. After all, when a water hole is full with water, there are also going to be muddiness and murkiness, and unhealthy things are likely to grow there. These things disappear when it is empty, as it can now be clean. That is an example of how the lacking can be positive, and can conjure up the idea of honor. This is appropriate according to the concept that one "should not throw unwanted things into the pit from which he drank."

This approach need not be limited to water holes. Rather, in all parallel matters in the course of life and morality, we should see the positive impact of things that have been emptied out. When the matter was beneficial at some time in the past, we should still refer to it in positive terms.



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

Removing a Less than Honest Rabbi – part II

(based on ruling 70064 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The defendant (=def) has served as the rabbi of a *shul* for twenty years. He is paid 5,300 shekels a month and has the right to perform *mechirat chametz*; he is responsible for certain rabbinic functions, such as giving *shiurim* and answering questions. After the death of a prominent member of the community (=pmc), his family asked def to lobby for a room in the *shul* to be named after him. Def agreed but demanded \$5,000 for his lobbying efforts. After the *shul* accepted the proposal, pmc's family was told that the decision had been unanimous and obvious to board members, prompting them to refuse to pay def, who had claimed that it was a difficult task. The *shul* used to give *tzedaka* funds to an NPO run by pmc's family and around this time, the NPO stopped receiving money from the *shul*. It turned out that def managed to detour the money to himself in lieu of payment due to him by the family. Pmc's family sued def in a *beit din*, which ruled that def should keep \$2,000 and return \$3,000. The *shul*'s board (=pl) demand that, considering def's moral failings, def should be removed as the *shul*'s rabbi. Def defended his right to the payment, partly by saying that he was poor enough to deserve the support of the family's NPO and apologized for part of the way he went about it.

Ruling: [Last time we saw that def had no right to seize the charity money earmarked for pmc's family's NPO. Now we will look at the rules of job security and of punishing a rabbi who sinned.]

In general, there is a *machloket* among *poskim* whether one who hired a worker without setting an employment period is required to employ him indefinitely (Igrat Moshe, CM 74-77) or that this is not the case unless that is the local *minhag* (Chazon Ish, Bava Kama 23,1). Regarding the position of rabbi, there is much early discussion. The Rivash (271) rules that once someone has "control" over a rabbinic position, or any position of power, even if he de facto took the job himself, he may not be removed even if someone superior is found. The Rama (Yoreh Deah 245:22) accepts this view. This is so unless the local *minhag* is that a rabbi's tenure is not necessarily permanent (Chatam Sofer, Orach Chayim 206).

However, the matter is different if the rabbi was found to have sinned. The *gemara* (Mo'ed Katan 17a) talks about whether to publicly punish (with *nidduy*) rabbis who developed a bad reputation on moral matters, and there appear to be different opinions. According to the Tur (YD 334) it depends how severe his sin was. The Beit Yosef (ibid.) says that another factor is how prominent the rabbi is (which impacts on the *chillul Hashem* of the public element). Another factor is whether the sins were committed publicly (see Radbaz 2078).

[Next time we will put the topics together and deal with removing the rabbi.]

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

Ro'i Moshe Elchanan ben Gina Devra / Eliezer Yosef ben Chana Liba
Yair Menachem ben Yehudit Chana / David Chaim ben Rassa
Netanel Ilan ben Sheina Tzipora / Meir ben Chaya Leah
Meira bat Esther / Rivka Reena bat Gruna Natna
Yafa bat Rachel Yente / Lillian bat Fortune

Together with all *cholei* 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.