



HEMDAT YAMIM

Parashat Hashavua

Vayeitzei, 12 Kislev 5784

Harav Shaul Israeli zt"l
Founder and President

An Inheritance without Borders

Harav Shaul Yisraeli – from Siach Shaul, p. 102-104

“Whoever ‘indulges Shabbat’ receives an inheritance without boundaries, as the *pasuk* says: “Then you will indulge with Hashem, and I will have you ride on the high places of the land, and I will feed you the inheritance of your father Yaakov” (Yeshayahu 58:14). Not like the [limited inheritance of] Avraham ... or of Yitzchak ... but of Yaakov, about whom it says: ‘You shall break forth, west and east and north and south’ (Bereishit 28:14)” (Shabbat 118a).

The three patriarchs each passed on to the nation, a special quality that he epitomized: Torah, service of Hashem, and acts of kindness. Avraham, as the pillar of kindness, was the most foundational of the patriarchs (see Rashi, Bereishit 12:2). Yitzchak, who allowed himself to be tied down as a sacrifice, was the pillar of service of Hashem. He revealed our power of self-sacrifice for the sanctity of Hashem. These two powers can have their full impact only when the light of Torah lights up one’s inner soul, and gives meaning to the self-sacrifice and kind deeds. That is the reason that Avraham was saved in the merit of Yaakov. All of these powers together form the basis of a Jew.

Some people talk of acts of kindness, but they primarily want to receive rather than give. The monks who swore off pleasures of the world are the ones who created the Inquisition. Only the Torah of Israel gives things proper balance.

Torah sets forth a special approach to life. Yaakov not only epitomizes Torah but an approach to life based on Torah in which simple necessities suffice (see Avot 6:4). In order to imprint into Israel the seal of Torah, Yaakov had to have his physical body tested as well. He had to undergo the fearful state of being a stranger in exile, and he indeed experienced difficulties from a young age. He bought the firstborn status and received the coveted blessings, but instead of making life easier, it just aroused Eisav’s wrath. While it was Eisav who was enjoying the pleasures of the Land, Yaakov had a humble existence on the other side of the Jordan (see Bereishit 32:11).

Although the Sons of Yaakov passed many “Jordans” on the way to exiles, they never become one with their countries of exile but remained in each only a few generations. While they are always a step away from the next expulsion, they survive. “If not for the enjoyment of the Torah, I would have been lost in my affliction” (Tehillim 119:92). This is what made us the Nation of the Book, and separated us from a permanent connection to the earth, as is common for nations. Because of this, Yaakov’s “inheritance” is unlimited. That is the idea of the ladder whose legs are on the ground but whose head is in the Heavens (Bereishit 28:12). There is a higher goal than the ground from which the ladder emanates. Yaakov had no one house, so the whole world was his house.

When one “indulges Shabbat,” he receives Yaakov’s lot. It is not just the positive acts of eating delicious foods and make oneself happy, but “giving back” to Shabbat, increasing its sanctity, that is truly worth reward. When one embraces the “signs” of Shabbat (see Shemot 31:13, 17), leaving behind the troubles of the week and breaking the bonds to the land, he receives the inheritance of Yaakov.

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



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Ask the Rabbi

by Rav Daniel Mann

Unicycles on Shabbat

Question: Is it permitted to use a unicycle on Shabbat?

Answer: We have, in the past, discussed bicycles (forbidden) and tricycles (permitted), and the sources on the two can help us analyze the less common unicycle, which we have not found discussed by the *poskim*. We will refer to riding indoors or within an *eiruv*. Otherwise there are serious carrying issues (see Living the Halachic Process VI, C-12, regarding the similar but not identical case of a rickshaw).

When bicycles became popular, *poskim* discussed their use on Shabbat, and almost all forbade it, for one or more of the following reasons. 1) *Uvadin d'chol* – This is a weekday-like activity, for, amongst other reasons, it is a mode of transportation that takes people to places, often for purposes that are not appropriate for Shabbat (see Tzitz Eliezer VII:30). 2) Bicycles often need repairs, notably including fixing the inflatable tubes of the tires, which 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 consider 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).

Shemirat Shabbat K'hilchata (*ibid.*) says that children can be allowed to ride tricycles – but not bicycles. He cites two distinctions between the two (see *fn.* 53). 1) Tricycle wheels do not have an inflatable tube. 2) A tricycle is clearly a form of recreation, as opposed to serious transportation. It is also likely that he factored in that the average tricycle rider is a child.

How should we view a unicycle? A classic unicycle shares features with a bicycle, including an inflatable tire, so reason #2 to forbid bicycles applies. However, when it is used as a hobby or for non-professional exhibition, elements of *uvdin d'chol* and going out of *techum Shabbat* would not apply. (We are not referring to use for the uncommon sport of unicycles on mountain trails, where #4 could apply.) Also, unicycles did not exist when the original bicycle *minhag* began, and they are not used interchangeably with a bicycle. Therefore, one could argue against extending the bicycle *minhag*/ruling to unicycles. In Bemareh Habazak (IX:8), albeit under circumstances that include significant need, we entertained the possibility of distinguishing even between clearly different models of bicycles, based on the different likelihood of problems in one versus the other.

On the other hand, given similarities in name and design and given that some of the explanations of the prohibition on bicycles do apply to it, it is likely that *poskim* would not allow it, especially since the need for it on Shabbat is rarely significant. If a child under bar mitzva wanted to use it, that would be significantly more lenient because of his lower level of obligation in *mitzvot*, which encourages leniency (see this column, Vayeira 5777).

My basic research indicates that “unicycles” are nowadays also used for transportation, which can make the issues for bicycles of *uvdin d'chol* and *techum Shabbat* applicable. On the other hand, that is apparently mainly with electric unicycles (which are anyway forbidden because of the electric element) that are used for transportation. It is doubtful, though, that we must be more *machmir* due to the existence of electric unicycles, especially since their design is totally different.

In the final analysis, we do not recommend allowing unicycle riding on Shabbat, but for someone (especially a child) who uses it only for private recreation, leniency is conceivable.

“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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Igrot HaRe'aya - Letters of Rav Kook

Making Sure There Will Be a *Din Torah* – #176 – part II

Date and Place: Yafo, 1 Kislev 5669 (1908)

Recipient: Zev Gluskin, the head of Carmel Wine and the Organization of Wine Producers. This letter is a follow-up of letter #173, in which Rav Kook appealed to Mr. Gluskin to use his influence so that certain people would agree to submit their dispute to adjudication according to Torah law. Mr. Gluskin responded in a manner that Rav Kook was unhappy with, as will become evident. Apparently, there was a dispute regarding inheritance, in which a daughter, who had more need for the money than her brothers, did not want to submit to Torah law, which gives inheritance to sons and not daughters (albeit often with a need for the sons to use much of the inheritance for their sisters' needs).]

Body: *We pick up in the midst of the comparison between Torah justice and the laws of nature.*


Sometimes the rules of nature leave us with bitterness (e.g., extreme heat), because they are too strong for us to bear. We try to sweeten the situation, not by trying to remove the element from the world, which is impossible and undesirable, but by implementing artificial devices to enjoy what nature provides, to an appropriate degree for our situation. So too [when justice causes a difficulty in one's life], whenever there is a need and it is possible, it is good to try to arrive at a compromise, according to the litigants' desires, when strict application of the law is too difficult for one side. It is even more so when the law is too burdensome for both sides. In such cases, we apply the *pasuk* "Justice, justice shall you seek," which refers both to strict law and to compromise (Sanhedrin 32b).

However, Heaven forbid that [because of the difficulties] we might "kick at" (i.e., scornfully reject) our system of justice, as it is the most important part of our "spiritual property." It is more crucial for our survival as a living nation than all other peripheral acquisitions, which we correctly believe are valuable. Indeed, so many of these spiritual elements are beloved and pleasant, but we need to distinguish between "organs" that one can live without and those which are central to life, and that which the soul of any nation, but especially our nation, depends on. For us, it is specifically a *halachic* judicial system.

Therefore, I again turn to you with an open protest against those who trample our holy Torah's judicial system, especially concerning the case of G. You, honorable gentleman, should know that there is no subject within monetary law that is so connected to written justice (i.e., that the Torah specifies its basic laws) as that of inheritance. Of course, I cannot include in this letter the strong reasons, in the life of the person and the world, that cause this to be the case. However, it is a fact that even those kingdoms that have replaced their old monetary laws, have left the laws of inheritance intact. Many enlightened nations strengthen the power of religious courts regarding the laws of inheritance in relation to their authority in other matters. How are we to justify ourselves if we will weaken the stature of the justice of our Torah to such an extent that we will remove its authority regarding inheritance? Doing so in *Eretz Yisrael* would be an example of "attacking the queen while the King is in the house" (see Esther 7:8).

Realize that the place in which our enemy, Christianity, acts as a daughter who bites her mother's breast, attributing it to her flag of mercy, which she carries with hands that are full of the blood of the innocent in an attempt to make Judaism disappear, is concerning recognizing the inheritance of the daughter, against the laws of our holy Torah. It is well known to those who understand secret matters and this is passed down by the Talmud (Shabbat 116b).

Regarding your appreciated apology, referring to wounds inflicted by those who love the other, causing pain also to the one who damages, I sign off with the same sentiment.



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

Compensation for Transfer of Business to One Partner – part VI

(based on ruling 78039 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The plaintiff (=pl) and the defendant (=def) opened a center that provides therapy for children. According to their agreement, def, who has a similar center elsewhere, was responsible for the finances and infrastructure. Pl was to serve as a therapist, be in charge of day-to-day operations, interact with parents and workers, and plan events. The business and grounds' rental were in def's name. Pl and def were supposed to get small salaries and then split profits equally after reaching "the point of balance," but pl never received profits. After three years, acrimony brought them to separate, and *beit din* oversaw the transfer of the business to pl, with compensation due to def. [After dealing with the rights of each in the partnership and the center's value, we moved on to payments to address alleged imbalances from the past, this time over reduced salary.] Pl complains that she received 6,000 NIS per month, cost to employer, which was less than minimum wage, when the agreement stated she should receive 8,000 NIS gross pay (more than cost to employer). Def said that since pl worked less than she should have, she deserved less than that, and that he never received more than 75% of what he was listed to receive. He demands to receive for the long time that he received no pay.

Ruling: Beit din rejects def's claim that pl deserves less than she was promised because of insufficient work, largely due to his own contradictions. This claim was a relatively late one; previously, def had said that if not for pl's husband, pl and def would have continued working harmoniously. He also attributed the equal reduction in the two's salary to insufficient finances.

Regarding the original period of the center, *beit din* will not award pl back pay because a clause in the agreement referred to the possibility of lower initial income when the business was small. Additionally, she did not complain in the early stage, and although she attributes that to misinformation from def, she did not substantiate those claims. Therefore, even if pl had deserved more, she was *mochelet* (relinquished rights to) more payment.

According to *dayan 1*, once pl started complaining about her salary and asked for a raise as the clientele grew, it is logical that she deserved full pay envisioned. Although pl did not work as a therapist as many hours as envisioned, her many responsibilities could have compensated and justified full pay. Therefore, based on compromise, pl should be compensated with 10,000 NIS. *Dayan 2* posited that *mechila* applied the whole time, since she continued working, fully aware of her pay. *Dayan 2* agreed to award her 10,000 NIS due to the possibility that she received under the minimum wage, which by law is a right one cannot waive.

All the *dayanim* agreed that def should not get back pay for the time he received no salary. If *mechila* can apply to lower salary, it can apply to no salary. As owner of the entire business (including the other branch) into which the income was flowing, if he wanted to make this additional income payable later, he should have stated so, and to the contrary, he made a point of telling pl that he was not getting paid.

Comments or questions regarding articles can be sent to: info@erezhemdah.org

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