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# HEMDAT YAMIM

## Parashat HaShavua

**Bereishit, 29 Tishrei 5781**

### Clothes Like a Lantern

Harav Shaul Yisraeli – from Siach Shaul, p. 8

In the *gemara* in Sota (14a), Rabbi Simla'i expounded on the structure of the *chumash* as follows: The Torah begins with *gemilut chasadim* (acts of kindness) and ends with *gemilut chasadim*. It begins with *gemilut chasadim*, in that it says, "Hashem made for Adam and his wife garments of leather (*kotnot or*), and He dressed them" (Bereishit 3:21). It ends with *gemilut chasadim*, in that the *pasuk* says: "[Hashem] buried [Moshe] in the valley" (Devarim 34:6).

Adam wanted to follow his own individual path, as opposed to the one that Hashem set out for him from the outset. He wanted to find for himself that which is the good path [by eating from the Tree of Knowledge of Good and Evil], and he fell into the depths of sin and gave up hope [of spiritual redemption]. He was embarrassed and saw himself in full defilement. It was then that Hashem helped him by providing for Adam *kotnot or*. According to most commentaries, this referred to clothes that went on his body. However, the *midrash* (Bereishit Rabba 20:12) understands it as meaning *kotnot ohr* (with an *aleph* instead of an *ayin* as the first letter of the second word), which means that the garments were of lights. The Yalkut Shimoni (Bereishit 34) says that this means that He made him clothes that were like a lantern. What type of article of clothing is that?

What this means is that in the midst of the human coverings, which are ugly [in the way that they cover a person's spiritual side], which includes a person's aspirations and physical desires, there is a shining nucleus that can "light the person's candle." This nucleus is *gemilut chasadim*. The Torah went beyond the letter of the law and revealed to man: "You shall chose life" (Devarim 30:19). This implies that the desire to do good and perform acts of kindness exists within man, and he just needs to be encouraged and aroused to action.

The Torah begins with *gemilut chasadim* – the Torah is a Torah of *chesed*. If a person does not approach the Torah with the attempt to uncover the *chesed* that is imbedded in the Torah, he will not reach his goal in the world.

There is worldly wisdom in the nation of Edom, and there is Torah in Israel (Eicha Rabba 2:13). Wisdom is distant and cold; it speaks about something without demanding full identification with it. Torah consists of instructions for life, and in that way Torah is "conceived and born" based on *chesed*.

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



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# Ask the Rabbi

## Taking Out a Sefer Torah for a Child to See

**Question:** My two-year old loves *sifrei Torah* and when he is with me in the *Beit Midrash*, he is sometimes adamant that I take one out and show him the writing. May I do that?

**Answer:** One must treat a *sefer Torah* with great respect (Shulchan Aruch, Yoreh Deah 282:1), but the *halachot* mentioned there do not talk about grounds for taking it out of the *aron*.

The main *halacha* about moving a *sefer Torah* is in the Shulchan Aruch, Orach Chayim 135:14, based on the Yerushalmi (Yoma 7:1). It is forbidden to bring a *sefer Torah* to a new location even to be used for its purpose – *kri'at haTorah*. It is a *bizayon* (disgrace) to bring the *sefer Torah* to people; people should come to it (ibid.)!

Possible exceptions to the rule are discussed: 1. Bringing the *sefer Torah* to a very prominent person, like the *kohen gadol* (ibid.); the Rama (OC 135:14) applies to normal important people. 2. If people, especially a *minyan*, are unable to come to the place of the *sefer Torah* (the Shulchan Aruch, OC ibid. seems to forbid, but the Be'ur Halacha (op. cit.) presents the argument that this is not correct). 3. Things are done to make the *sefer Torah*'s stay more *mechubad* (e.g., have an *aron kodesh* ready for it; keep it there for a while; use it for *laining* several times) (see Rama ibid., commentators ad loc.). 4. The *sefer Torah* is privately owned (see Har Tzvi OC I:71); 5. The *sefer Torah* is designed to serve as a roving *sefer Torah* (see opinions in Living the Halachic Process III, F-1, regarding the propriety of a *sefer Torah* brought regularly for a set *minyan* on the train).

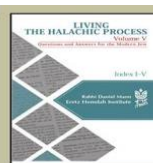
We presented the above list, which do not apply to your question, in order to share our general dilemma. Is the concept of *bizayon* the basis for *Chazal* forbidding specifically moving a *sefer Torah* from place to place even for good purposes, but taking from the *aron* to the *bima* is permitted even for a neutral purpose? If so, why not show a *sefer Torah* to a sweet kid who will someday learn Torah?! Or is there generally a high bar of respect for the *sefer Torah*, which precludes even positive actions, if they are not in line with what the Torah is supposed to be used for? If so, with all due respect and affection for two-year olds, their love for a *sefer Torah* is like that for a shiny new toy (confirmed after consultation with early childhood experts) and in light of the high bar, it is a *bizayon* to take it out.

I have seen few and unimpressive sources on this matter. One forbade taking a *sefer Torah* out to practice *laining* (see Hamaor, vol. 83); Piskei Teshuvot 135:5 understood that some prohibit doing an unnecessary *laining*). While all permit taking out *sifrei Torah* for dancing on Simchat Torah (at least as long as they stay inside – see discussion on taking outside or moving from shul to shul in Yabia Omer VII:56 and elsewhere) but some say that the *minhag* to *lain* at night is to strengthen the justification for taking them out. It is hard to determine which approach is accepted, but the simple reading of the Shulchan Aruch (YD 282:1) is that there is a broad high bar in addition to specific applications that classical sources discussed.

One can argue that there is value in showing off the *sefer Torah* to people. The *gemara* (Yoma 70a) relates how individuals would bring their *sifrei Torah* on Yom Kippur to the *Beit Hamikdash* to show its beauty. One of the explanations why this was permitted is that doing so honored the *sefer Torah*. Some apply this idea broadly (Gur Aryeh Yehuda, YD 24), while others limit it to special cases like the *Beit Hamikdash* (see Beit Avi IV:126, opposing a glass-case display of a *sefer Torah* in a Jewish museum). While we would be supportive of taking out a *sefer Torah* to show a group of unaffiliated Jews to try to impress/inspire them, it is difficult to justify for a small child who has and will *iy"H* see it throughout his life. There are many other ways to build excitement about Torah, and a toddler can be told and rewarded for accepting (on his level) that the *sefer Torah* is so *kadosh* that we take it out only for *kri'at haTorah*.

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# Ein Ayah

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

## Unique Tears

(based on Ein Ayah, Shabbat 13:5)

**Gemara:** Whoever sheds tears for a worthy person has Hashem count [the tears] and place them in His storage houses, as the *pasuk* says: "My being emotionally moved You counted, You placed my tears in Your flask, indeed in Your place of accounting" (Tehillim 56:9).

**Ein Ayah:** There is a powerful feeling that impacts the spirit when one comes to terms with the absence of a worthy person. While the fact that a good person is lost from the land makes one general impression, the emotion that surrounds the pain is connected to many specific impacts related to appreciation of a worthy life. That is because throughout one's life, he finds value in different elements of a properly lived life, and this is expressed in the pain he feels at the time of a friend's death.

The more basic, singular view of the emotion is seen by the human emotional eye, which sees only the surface and feels only that which sticks out. However, the "divine eye" sees every hidden matter, counts every step, and appraises every thought. Hashem knows to "count" every element that is included in the pain that possesses the heart of one who appreciates a worthy life that is now gone. This is what Hashem does when someone sheds a tear for the deceased.

A person experiences emotions in a relatively fleeting manner. The impact of the emotional pain must pass. However, the power that caused the temporary outbreak of emotion to the extent that one shed tears for the worthy person is not fleeting, but is a permanent thing which comes to the fore only when jolted by the death. Hashem is in touch with that permanent element of one's soul and does not treat it as fleeting, even though its visible expression is such, but as something whose character does not change with time.

That is why Hashem does not measure the tears by volume like a normal liquid, in which each drop becomes an indiscernible part of a pool of liquid. Rather, Hashem counts the tears. The smallest shade of value in a pure Jewish life, of the type that make others appreciate it, is considered an independent, protected entity. Even though the human emotion does and must move on, the fact that it was powerful for a moment, at the time one comes to grips with the loss, comes from a permanent appreciation of good life. Therefore, Hashem keeps it permanently in His storage houses. You, Hashem, who know all hidden matters, counted the foundations of the spirit that caused the pain of loss of something valuable, in this case, a precious life that lived on earth among people.

The psalmist asks to put his personal tear in Hashem's flask; it is there that the tear can be significant, as there its identity is not lost when it joins with other of its type, nor is there a loss to the most delicate emotion that caused the tear. Rather each one is counted, and it is kept in Hashem's special mode of accounting. Because the counting of the one-time tear is connected to a permanent appreciation in the heart of the beholder of the good person, it is preserved in Hashem's storage houses, which means for eternity, and it is "in Your accounting."



### 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

## Questionable Firing and its Financial Implications – part III

(based on ruling 71089 of the Eretz Hemdah-Gazit Rabbinical Courts)

**Case:** The plaintiff (=pl) began working in 2009 for the defendant (=def), an informal education organization, as the director of its *midrasha*, which runs educational tours for students. Pl was very successful for close to two years in his main task, expanding the *midrasha's* reach. Def was unwilling to pay pl a set salary due to uncertainty about resources, and so pl agreed to a salary of 50% of net profits from the *midrasha's* operations plus a set rate for tours he led. In 2011, the *midrasha* began receiving funding from the Education Ministry. This affected pl's salary in two ways: He could no longer lead tours due to lack of a degree; the cost of tour leaders with degrees was higher, which lowered the net profits that made up his salary. Tensions between the sides grew over pl's demands to rework his salary and complaints about how the process of joining up with the Education Ministry was done. A few months later, def fired pl (there were several months left on their contract). Pl demands payment until the contract's completion, severance pay, and penalties for late payment (he received salary only after groups paid). Def respond that the firing was justified because pl began to disregard orders and was often unavailable (he began university studies). They point out that the contract states that pl waives severance pay and that, in any case, he was not a salaried work. They countersued for having overpaid, as they did not factor in certain expenses when determining the net profits.

**Ruling:** [We have seen that def was allowed to fire pl but that pl deserves severance pay because he had the right to quit because of a worsening of conditions.]

In this case, we see it fitting to grant pl higher severance pay (three instead of two months of salary) than the standard required by law. This is due to the circumstances around pl's firing in the midst of the contract period and our understanding that the deterioration in the relationship was to a large degree because of def. Additionally, the fact that pl was soon to be awarded larger profits due to the upcoming season is a factor, although not to the degree pl claims because he was spared a difficult period of work.

Def was not correct in withholding salary until the *midrasha's* clients had paid, as pl was an employee, not a partner. We penalize 2,000 NIS for the frequent late pay, as consistent with the law. This is not forbidden interest because def has an obligation to appease pl for the violation of paying late and because it is unlike cases of forbidden *ribbit* in that the obligated did not agree to pay, but *beit din* is mandating it.

Def's counter-claim for not reducing the salary due based on certain expenses is rejected out-of-hand. The fact that they consistently did not factor that in is either a sign that this is the way def understood the agreement to have been made or, if not, that def was *mochel* the money. If he was *mochel*, they cannot rescind the *mechila* to the dispute between the parties.

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

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