



# HEMDAT YAMIM

יְמֵי תְּקִינָה

## Parashat Hashavua

Vayakhel, Adar 22, 5785

Harav Shaul Israeli zt"l  
Founder and President

**A World of Repairing**  
Harav Yosef Carmel

To a great extent, Vayakhel and Pekudei are a repeat of the preparation of the *Mishkan* and things that pertain to it, which we found in Teruma and Tetzaveh. In between these sets of *parshiyot* is Ki Tisa, which focuses on the Sin of the Golden Calf. Much has been written on the need for detailed repetition, as well as the question as to whether Hashem commanded to build the *Mishkan* before or after that sin. We will not attempt to decide which position is correct.

We would, though, like to present a third approach, taught by the Vilna Gaon and disseminated by his disciples. The Gaon posited that the order in which the occurrences are presented is the proper way to understand the matter. Chronological order is irrelevant because time is a function of the physical world and is irrelevant in the spiritual world. The idea that the spiritual world is beyond time is behind the written spelling of Hashem's Name, which includes hints to past, present and future.

One of the Gaon's principal disciples, Rav Chaim of Volozhin (Nefesh Hachayim (1:6)), developed the connection between sin and sanctuary, which exists from the beginning of humanity. When Adam and Eve were placed in the Garden of Eden, they enjoyed a perfect existence, in which there was a clear separation between good and evil (but with free will). After the sin, mankind fell into a spiritual intermingling, in which the path to *tikkun* (repair) is much more complicated. More than 2,000 years later, an entire community – the Nation of Israel at Mt. Sinai, at the revelation and receipt of the Torah – succeeded in returning to the status of "original Adam" (including the male and female) before the sin. However, the Golden Calf threw the nation back into the post-sin state the world had lived through. Thus, the presentation of *Mishkan*, sin, *Mishkan*, aptly represents the spiritual roller coaster. This also explains why the details were retold as well as many of the differences in the presentations.

The same approach can help us appreciate the matter of the Tablets and the Ten Commandments. The Torah presents two versions of the Ten Commandments, one before the Golden Calf (in Yitro) and one (in Vaetchanan) that was given after the sin. The break of the sin explains both the existence of two versions and some of the differences, which reflect the lower spiritual level. The differences between the Tablets, the material they were written on, who wrote them and how, and possibly how the writing appeared, can also be explained along these lines.

What is the point of the higher spiritual level if it was destined to be so fleeting? The process turns the story of Hashem's revelation in the world into a recommendation of living life with a desire for spiritual improvement. The ideal state sets a direction toward which we shall travel. All of a Jew's life is spent with a desire to "repair the world toward the Kingdom of Hashem," to be accomplished on the personal and national level. This is in stark contrast with a life focused on physical desires. The Vilna Gaon's approach gives spiritual significance to material life, which we hope to repair.

This principle also helps us deal with crises, which usually come with a desire to repair what is awry, a desire that is a foundation of a healthy life.

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# Ask the Rabbi

by Rav Daniel Mann

## Owning Guns

**Question:** I am interested in purchasing firearms for personal protection, particularly within the context of today's American "social climate," with increased anti-Semitism. What is the Torah's perspective on owning guns? I would appreciate if you could relate to Shulchan Aruch, Choshen Mishpat 427:7-8 and 409:3 about having around dangerous things and animals?

**Answer:** It is good that you realize that guns not only protect but also can cause danger to its owners and their surroundings. We of course are not experts in the tradeoffs for each specific case, but will try to provide a general Torah perspective. Torah Judaism is often based on finding the critical balance, and we start with your well-chosen sources. Although the Shulchan Aruch (427:8) says literally to **remove** and guard from any "stumbling block that can endanger a life," we are not actually commanded to remove the dangerous **things**, but to manage them properly so that the danger is removed or sufficiently limited. Roofs and pits are dangerous, but they serve purposes; therefore, the roofs are to be fenced and the pits covered (ibid. 7). One may own and use oxen, but they must be guarded when proven necessary (see Shemot 21:29).

The Torah requires Jews to be prepared to protect each other, including from attacking enemies or bandits (see Rambam's Sefer Hamitzvot, Lo Ta'aseh 297; Yereim 196). One is allowed to use force even to repel a burglar, even though this could cause the death of either the burglar or the homeowner (see Rashi to Shemot 22:1; Magen Avraham 329:5). To make this feasible, the average person needs a weapon, and every time period has its example. In fact, when *Chazal* discuss going to repel an attack, it talks about taking weapons, even on Shabbat (Eruvin 45a).

On the other hand, weapons are not glorified in Jewish thought and practice. We find an aversion between things of special sanctity and weapons. Metal could not be used in building the *Beit Hamikdash* because of its use for swords (Shemot 20:21; Melachim I, 6:7). One should avoid (when possible) having (uncovered) weapons in a *shul* (Shulchan Aruch, Orach Chayim 151:6; Mishna Berura ad loc. 22). Connection to the sword is fundamental to Eisav's being (Bereishit 27:40), whereas Yaakov was a peace lover who used weapons only as necessary (see ibid. 22 and ibid. 32:8-9 with Rashi).

The main difference between the prohibition of having a dangerous animal and the permissibility of having weapons is that the animal is liable to act without its owner's approval, whereas a person is presumed to use his weapons properly until proven otherwise. Also, even dangerous animals are permitted, based on special need (a dangerous location) and/or precautions (always tied up) (Bava Kama 83a; Shulchan Aruch, CM 409:3).

This does not mean that it is wise for any given individual to possess guns. Accidents occur, guns can be stolen, and their presence can "up the ante" of a conflict. Some prefer more defensive precautions, e.g., pepper spray, connectivity with security services. But the weighing of pluses and minuses depend on the time and place, as well as the individual's circumstances, skill, and training.

It is interesting to contrast the firearm policies of the United States and the Jewish State. In America, the Second Amendment guarantees (on some level – let's avoid debate) the rights to "bear arms," even when few have served in the armed forces. In Israel, where a high percentage of the population has/does serve, one needs special circumstances to be eligible for a private gun license. It also requires significant training in usage and safety precautions. Israeli society has shown repeatedly that, in our circumstances, it is crucial to have guns in any vicinity, but not in the hands of every citizen.

While we leave the details to experts, we agree that the safety of Jewish communities and individuals may be enhanced by more access to firearms than in the past. An individual should consider his specifics to determine whether he is best served by having a gun.

### "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

## Refuting Criticism by the Ridbaz – #311 – part I

**Date and Place:** 19 Sivan 5670 (1910), Yafo

**Recipient and Background:** Rav Yaakov David Wilovsky (Ridbaz), a leading rabbi who moved to *Eretz Yisrael* and was known, among other things, as a strong opponent of leniencies on *Shemitta*.

**Body:** I just received my good friend's letter. I am very surprised that you assume my words have false intentions. Why would anyone think I would force those who do not agree with the lenient [*Shemitta*] ruling to eat what is forbidden according to their opinion? My intention is only to stand in the breach against those who cast aspersions on those who come to settle *Eretz Yisrael* and have no choice but to rely on the well-known leniency, which has a basis in the Talmud and *poskim*. These aspersions damage the *Yishuv* spiritually and physically.

The physical damage is that it is impossible for everyone to keep the laws of *Shemitta* without uprooting it [through sale]. If they will not export the produce, e.g., wine, oranges, almonds, the land will be truly desolate. This will ruin the New *Yishuv* and, with it, certainly the Old *Yishuv*, as one who looks with open eyes sees that the two are intertwined.

The spiritual danger is that if a prohibition would be publicized, it would, for completely religious Jews, close the door to coming to *Eretz Yisrael* to build it through planting, sowing, and agricultural commerce. Then only those who throw religion out behind them will come [for these purposes], thereby causing an immeasurable drop in Judaism in *Eretz Yisrael*. Now, although irreligious Jews also come, every *moshava* has Jews who are connected to Torah and fear of Hashem. They hold important positions in their communities and strengthen religious institutions, e.g., *kashrut*. I have received letters, as expected, saying that no rich person, even if G-d-fearing, will invest in *Eretz Yisrael* at this time, when we do not see miracles, if *Shemitta* will uproot the foundations of his finances.

[*The second spiritual damage (which we have seen before) is that if the rabbis are stringent and religious people feel compelled to ignore them, it pushes them toward generally not listening to rabbis.*] Therefore, anyone who can predict the future and wants to serve Hashem not with pipe dreams but with clear, calculated logic (as proper for one whom Hashem gave mental capacity), will conclude that we must be careful to not lose the leniency of selling the land. This has been practiced for three *Shemitta* years, and the leading rabbis of the time in *Eretz Yisrael* did not protest it in practice. It has justifications in Halacha, as everyone with straight intellect will admit. Why should you be surprised that I come out against anyone who calls many of our fellow Jewish brethren evil people and thereby cause spiritual and physical destruction to the Land of our Fathers? On the other hand, who would fight against individuals who want to be stringent on themselves (certainly, it is not my intention)!

[*Rav Kook now responds to the Ridbaz's apparent claim that certain medical tragedies were due to the Shemitta leniency.*] I do not think there is a bigger sin than baseless hatred, which we are unfortunately experiencing broadly. This evil inclination has especially found a place among G-d fearers and Torah scholars, especially in *Eretz Yisrael*. This is because the element of destruction strengthens according to the extent of sanctity. Our generation must exert itself to increase peace, love, and brotherhood in the Jewish world. We must increase respect for Torah scholars who are people of truth who serve Hashem with all their hearts, who don't care about money and honor, but the honor of Hashem and the Jewish People and their welfare. I am certain that if we adopt this holy approach, Hashem will remove disease from His nation and Land and decree His blessing in all we do; the Land's Jewish community will go ever higher. The more our brethren, of our holy nation, will settle in the Desired Land, the more we will be able to increase observance of *Shemitta*. Fewer will have to export; rather all will eat produce of the Land with the sanctity of *Shemitta*, to the joy of G-d fearers.

It is not at all the Torah's way to enhance observance based on fear of punishment. We must determine from Torah sources if there is room for leniency in a case of need. If leniency is correct, we should not connect punishments to the leniency, as His Torah is not a fake. We should inspect different actions and attributes that are prone to mistakes, as the great righteous people have done over the generations.

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

Itamar Chaim ben Tzipora

Nir Rephael ben Rachel Bracha

Arye Yitzchak ben Geula Miriam

Neta bat Malka

Ori Leah bat Chaya Temima

Tal Shaul ben Yaffa

Meira bat Esther

Together with all *cholei Yisrael*

# P'ninat Mishpat

## Unsuccessful Transfer of Yeshiva – part I

(based on ruling 82138 of the Eretz Hemdah-Gazit Rabbinical Courts)

**Case:** The defendant (=def), a non-profit run by the *rosh yeshiva* (=rydf) had run a yeshiva for years and did not want to continue due to financial and educational difficulties. They negotiated with the plaintiff (=pl), another educational non-profit, to have them take over the yeshiva at its location and pay rent to def. A written agreement was signed in June 2022. After starting to enter the educational sphere and preparing, physically and educationally, at the end of the 5782 “academic year,” pl informed the students’ parents soon before the 5783 academic year that pl would be closing the yeshiva. [We will deal with different elements of the dispute in installments.] Pl cites various examples of def’s breach of contract, claiming they prevented pl from continuing the yeshiva’s operation. Breaches include that def did not tell pl they would have to pay rent also to a *shul* and a small school who share the building, def withheld names of potential donors, and they spoke against pl to students (thereby increasing damaging behavior). Pl sued def for 189,300 NIS for workers who worked on the project, 60,900 NIS spent on students, and 200,000 NIS for hurting pl’s reputation, after they were forced to close the doors. Def responds that the agreement between them is invalid because it was signed by only rydf and not the second legal signatory (=ssgn). Def claimed they told pl about the need to negotiate with the other institutions and told pl repeatedly that they would not be reimbursed for any investment.

**Ruling: Status of the contract:** The two sides disagree factually whether def assured pl that the ssgn would sign or whether def told pl that ssgn had misgivings. The validity of the contract is actually not crucial because neither side is interested in upholding it, but are claiming damages from the other side’s alleged breaking of their understandings. In that regard, the abrogation of even an oral agreement which caused a loss of money can make the abrogator liable for losses based on the halachic concept of *histamchut* (reliance). Clearly, the word of rydf was sufficient for people to have a right to rely upon. In fact, both sides demonstrated in word and in deed that they saw themselves as bound by the agreement, and def even countersued pl based on it.

**Validity of a witness:** The director of pl during the relevant time period testified in *beit din*. Pl wanted to disqualify his testimony because the fact that they laid him off created animosity. We rule that while an “enemy” of a party is invalid as a *dayan*, he is fit to be a witness (Shulchan Aruch, Choshen Mishpat 33:1). The S’ma (33:1) explains that we do not suspect that someone will lie because of animosity, whereas the ruling of a *dayan*, which is based on fine logic, can be affected by prejudice. The Pitchei Teshuva (CM 33:2) cites an opinion that a major enemy is invalid as a witness, but many *Acharonim* disagree with that opinion. Furthermore, even if we do not count the director as a formal witness, his testimony was very well presented, and it helped fill in much information that *beit din* needed in a manner that seemed reliable enough to create certain presumptions.

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