



Parashat Hashavua Bereishit, Tishrei 26, 5786

Harav Shaul Israeli zt"l
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Is "Not Good" the Same as Bad?

Rav Daniel Mann

The word "tov" (good) appears 16 times in our *parasha*, which restarts our Torah learning and presents, in a special way, the beginning of the world. One of the memorable *p'sukim* containing *tov* is: "It is not good (*lo tov*) that man is by himself; I shall make for him a helper opposite him" (Bereishit 2:18). What does "*lo tov*" mean – in general and here?

Throughout Tanach, including our *parasha*, *tov* appears as an antonym and direct contrast to *rah*. For example, the full name of the *etz hada'at* is "the tree of knowledge of *tov* and *rah*" (ibid. 17). *Rah* can be translated as either bad, a broad term applying to many levels and contexts of undesirability, or evil, referring to a low level of morality.

So, *lo tov* can mean bad or it can mean evil. In theory, it can also include average situations. If we rate on a scale of 1 to 10, and good is from 7 and up and bad is from 3 down, then 4-6 is "not good," but it is also "not bad." So how do we describe the *lo tov* situation of man without wife? Evil? No. Bad? Maybe, but why would Hashem create such an important creation as man, in a bad way? Average? Maybe, but this is intuitively unappealing.

Perhaps the answer emerges from an interesting phenomenon in the Torah's portrayal of Creation. Famously, every major stage of creation is summarized, as "Hashem saw that it was *tov*." This statement usually appears once a day, but does not appear on Day 2 and appears twice on Day 3. On Day 6, creation of animals is described as "*tov*" (ibid.1:25) and the entire creation as a whole is rated "very *tov*" (1:31). In between these two *tovs*, the five *p'sukim* on creation of man is not "crowned" with a *tov*. Why not?

Perhaps this is what the Torah means with "*lo tov*" before Chava's creation. It was not evil, or bad, or average. However, it was lacking the expected *tov* of creations. As the creation of the second day waited for completion on the third day, so did Adam need to wait for Chava to become a complete creation (see Yevamot 62b).

Hashem decided that man should be created and recognize himself as incomplete before receiving his completion. This phenomenon repeats itself regularly when a baby Jewish boy is born in a way that requires him to be completed by a *brit* (see Tanchuma, Tazria 7). We can suggest that since as soon as Chava was created there was completion, when a baby girl is born there is no need to seek completion with a *brit* or the like.

If *tov*, as opposed to lack thereof, is connected to being complete, we add appreciation for Chazal's comment that Moshe was born circumcised and that this is learned from the fact he was described as born *tov* (see Shemot 2:2; Avot D'Rabbi Natan 2). The fact that males have two *hashlamot* – *brit* and a wife – explains more things. A *brit* includes preparing the boy to eventually live a married life in sanctity. Also, already at the *brit*, we look ahead to his completion: "Just as he entered the *brit*, so may he enter Torah, *chupa*, and *ma'asim tovim*." Torah is called *tov* (Mishlei 4:2) and completes a person; finding a wife is called "*matza tov*" (ibid. 18:22); after these two, a man is ready for *ma'asim tovim*.

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Ask the Rabbi

by Rav Daniel Mann

Depriving a Tree of Water

Question: We have quite old grapevines, with low-quality, often infested grapes, which fall and make a mess; it is not worth our while to keep them. May we stop watering them so they will die and we can get rid of them?

Answer: According to our research, your idea is unlikely to bring the results you expect. Namely, mature grapevines generally survive without irrigation (Hashem gave trees great survival “skills”), although lack of water is among conditions that will decrease yield. **Possibly**, if you learn how to improve your care for the vines, you can still enjoy the grapes and want to keep them. However, we are not experts, and in any case, “to each his own.” We will investigate your question, **first according to your assumptions**, and then deal with practical halachic advice.

While it is forbidden to be destructive with anything of value (*bal tashchit*), destroying a fruit tree (including a grapevine) is more severe and forbidden more broadly than other objects (see Bava Kama 91b; Rambam, Melachim 6:8). The Rambam (ibid., based on Sifrei, Devarim 203) rules that it is forbidden not only to cut down a fruit tree but even to divert water flowing to it in order to dry it up. There are different opinions as to how severe a sin it is to divert the water (see Etz Hasadeh 1:4).

What you are asking about is more lenient than the Rambam’s case, as the Rambam discusses a case where the damager performs an action, albeit one which brings on the damages indirectly. You ask about **refraining from doing** something that is critical for the tree’s survival. On the other hand, you are refraining from something basic and with intention to kill the tree.

Contemporary *poskim* cite on the withholding of water with the intention to dry up a tree from a compilation of the Chazon Ish on the Rambam. He writes (on Rambam ibid.) that it is permitted to withhold water. Since the Torah forbids destruction, lack of action, by not providing, cannot be included. The Chazon Ish claims that this is compelling because the Torah forbids destruction equally if done by the owner or someone else, and it is inconceivable that someone other than the owner would be required to provide water. Shevet Halevi (VI:112) claims that it is common practice for those who want to cut down a tree to first kill it by withholding water. We note, though, that the Chazon Ish says that it is still objectionable (not *bal tashchit*), to withhold water if there is no need for it.

Let us consider, though, the likelihood that withholding the water will not quickly or reliably kill the tree but will reduce the yield further. The *gemara* (Bava Kama 91b) gives minimum yields of dates and olives, under which it is likely permitted to cut down the trees. Grapes are not listed, and there are different opinions about whether there is a minimum amount and what it is, and whether it is fully permitted in such a case (see Rosh, Bava Kama 8:15; Etz Hasadeh 3:(11)). In general, when it is unclear whether a tree counts as a viable fruit tree, we are stringent (Shut Chatam Sofer, Yoreh Deah 102). More fundamentally, if a tree has the potential to be viable and is not **presently** because of neglect or mistakes, it likely cannot be cut down due to its potential (see Etz Hasadeh 3:5). Therefore, for your system to work, the tree would have to clearly reach the point of no return, possibly when it is dead.

We have discussed elsewhere (Living the Halachic Process I, H-10; ibid. VI, G-13) when need (for space, damage from tree) permits cutting down a tree. You do not sound close to that, although it might be enough for the Chazon Ish’s leniency for killing it by not watering. Additionally, since lack of watering does not generally kill a mature vine, how could it be forbidden for you to withhold the water, especially if watering requires you to spend time and money on vines from which you do not get benefit?

In summary, you are not required to water the vines but due to botanical and halachic reasons, it is unlikely that this will enable you to uproot them anytime soon.

“Behind the Scenes” Zoom shiur

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Moreshet Shaul

(from the works of Hagaon Harav Shaul Yisraeli zt"l)

To Learn and to Be Happy – part II

Based on Siach Shaul, Pirkei Machshava V'Hadracha p. 27

[These come from notes from addresses at a Torah symposium at Yeshivat Bnei Akiva, 5702 (1942).]

Continuation of previous installment – [Joy has an important place in Judaism.] King Chizkiyahu would have been *Mashiach* if he had sung praises to Hashem (Sanhedrin 94a). On the other hand, King David was punished for calling the Torah's laws, songs (Sota 35a, based on Tehillim 119:54). It was not enough that even the children in Chizkiyahu's time were experts in complex Torah laws (ibid.), if it was not accompanied by happiness and song over *mitzvot*. On the other hand, if one wants to focus only on happiness connected to Torah, he turns the laws into songs and is punished for this. One must know to follow the Torah's laws with seriousness and a clear mind, with good manners and fear of Hashem. The idea of "exult in trembling" (Tehillim 2:11) is the dichotomy of Torah. We must hear the words of Hashem with trembling, and we should be overjoyed that we merited it. The joy must be a joy of Torah – grasping it is his goal. His goal must not be like the goal of "conquering a city" but of conquering one's inclination.

From the closing of the symposium:

One of the six matters the Torah commands us to remember is the giving of the Torah. It is a wonder that not a word is written in this context about the Torah itself, but just the special way in which it was given – "the day you stood before Hashem at Horeb" (Devarim 4:10). The truth is that not much Torah content was transmitted that day, as they heard only two of the Ten Commandments directly from Hashem. In truth, though, the very fact that they heard something from Hashem caused every element of it to be engraved on the heart of every Jew. This is the main thing, and actually it is everything. It created a special link between man and his Maker, and everything else is but details, in comparison.

The events at Sinai created a new reality for the spirit of the people. Hashem opened a wide opening after we were purified. If the opening was already opened, then clearly it is no longer difficult to go in. The difficult thing is creating the opening. Periodically there are "Sinaitic-type events," and every year we experience them. [This is especially so] in the days when there was a *Beit Hamikdash*, which is described as "the place that Hashem will choose." When one made the pilgrimage to the *Mikdash*, he would see a new light, and all the laws of the Torah, which during the course of the year became part of his routine, were renewed and became brighter. The Rabbis describe the renewal, "as happy as when they were given at Sinai" (see Shir Hashirim Rabba 1:10).

This phenomenon still exists today – in the study halls, which take the place of the Temple. About them as well (in addition to synagogues) we should apply, "I will make desolate your sanctuaries" (Vayikra 26:31), about which the Rabbis derive that even when they are desolate, they will maintain their sanctity (Megilla 28a), all the more so when they are intact. I do not know how much [one has to learn in the study hall,] and perhaps this is not such a new idea, but it is a different type of study – study that comes from a special event, which can be compared to the giving of the Torah.

An element of the pilgrimage to the *Mikdash* was to sleep over – to digest the impressions and protect them in his memory. We must do the same in our gathering. I conclude with the promise that a divine voice gave to those who brought the first fruit to the Temple: "So shall you do again next year" (Tanchuma, Ki Tavo 2). It is my blessing and my hope, that we will see each other next year if not earlier, so that we can spend more time sanctifying ourselves. May the light of Torah end the fire of the great destruction (ed. note – the Holocaust, which was then going on), and we shall merit the light of *Mashiach*.

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

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Bereishit

Smoking Rights in a Rental? – part III

(based on ruling 85076 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The defendant (=def) rented an apartment (=apt) from the plaintiff (=pl) for 2,400 NIS a month, without special stipulations. The downstairs neighbor (=dn), a former marijuana user, who also rents from pl, complained about def's smoking cannabis, as the smell would enter his apartment. Pl warned def that unless she stopped smoking at apt, she would have to leave. Def relented but left apt after 5 months. Pl demands that def pay an additional three months rent, as stipulated in the contract for leaving early. Def argues that since she must use cannabis for a medical need, it is unreasonable to forbid her to use it at apt, so that pl's demands effectively ended their contract. The two also disagreed whether to count the three months from when def informed pl when she would leave or from when she actually left, and when these stages occurred. Both sides wanted only one hearing and were unresponsive to beit din's attempts to verify their claims. Def admitted she had neither a certificate to allow smoking cannabis nor medical records of conditions that necessitate it.

Ruling: [We saw in the past that based on a variety of doubts, beit din awarded pl 45% of his claim for the relevant time. Now we must determine the relevant time.]

The terminology of the clause of paying three-months' rent after leaving early inconclusive regarding whether its mention of leaving is the time from which to count or a condition for additional payment. (Beit din believes that most such clauses count from the time of notification.) The logic is also inconclusive – three months can be an estimate of how long it takes to find a replacement renter (which would make def's notification the determining point), or it can be a fair amount of compensation for lost rent revenue (which would make the date def left the determinant). In such cases, we say that the one who needs to use the contract to gain rights has to prove his case (Shulchan Aruch, Choshen Mishpat 42:10). Here, pl needs the clause to give him extra months' rent, and he has failed to prove that it should be counted later than the time of notification.

Def claimed to have notified pl three weeks before leaving. Pl claims he does not remember receiving notification before she left – he will not say she definitely did not notify. In discussion of the order of events, def had a coherent, detailed explanation, whereas pl's partial denial lacked logic (also see below regarding pl's credibility). Therefore, beit din picked a date from which to count the three months, based on compromise, close to def's claim.

A landlord with a clause to receive rent beyond the renter's departure is required to try to find a new renter as soon as possible. Pl claimed to have tried and not succeeded, and beit din checked with him before the p'sak to see if and when he found one; he said he had not yet. Def went to apt and videoed a foreign worker who said he was in apt for a couple of weeks. Beit din did not accept pl's explanation that the new renter was staying there on a trial basis (he would have had to have cleared that with beit din). Therefore, beit din ended the additional rent before the end of three months, and the matter hurt pl's credibility.

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