



Harav Shaul Israeli zt"l
Founder and President

How to Ensure a Future of Torah

Harav Yosef Carmel

Our *parasha* begins with the beginning of the account of Avraham's descendants – his one son from Sarah, Yitzchak (see Bereishit 22:2). Yitzchak would also have one son who would continue Avraham's spiritual legacy – Yaakov (see ibid. 21:12; Sanhedrin 59b). Yaakov's family would be different. The phrase "the sons of Yaakov" or "Yaakov and his sons" comes up 17 times in *Tanach*. This is because, as *Chazal* coined it, "Yaakov's bed was complete" (Rashi, Bereishit 47:31), which changed the story from individuals to a nation.

We will use two Talmudic accounts to understand another national change, almost 2,000 years ago, at the time of Rabbi Yehuda Hanasi and Rabbi Chiya (Hagadol) and his sons. R. Yehuda formed the *Mishna*, turning the Oral Law into a written law, which ensured the transmission of the Oral Law. This protected the world of scholarship from the effects of mass migration and periods of horrible persecution (e.g., Crusades, Inquisition, Holocaust, ...) that could have destroyed the wholeness of the tradition. R. Chiya continued this effort by gathering important Tannaic teachings that did not make it into the *Mishna* and creating the complementary *Tosefta*. Reish Lakish was a great admirer of "R. Chiya and his sons," comparing R. Chiya's contribution to the survival of Torah scholarship at perilous times to that of Ezra and Hillel (Sukka 20a).

Elsewhere (Bava Metzia 85a), we learn again of Reish Lakish, to whom Providence demonstrated he was no equal to R. Chiya. A heavenly voice told him that he was as erudite as R. Chiya but did not disseminate Torah to the degree that R. Chiya did. It goes on to describe a grass-roots approach to educating the masses, not just the intellectual/spiritual elite, that R. Chiya undertook. The *gemara* goes on to tell how Eliyahu Hanavi attributed incredible reverence in the World of the Souls to R. Chiya and to his sons, even seeing them as equivalent to Avraham, Yitzchak, and Yaakov. In that way, they eclipsed the greatness of R. Chiya's great colleagues, R. Yehuda Hanasi and Rabbi Chanina.

What was so special about R. Chiya's approach is that they stressed connecting as many Jews as possible to Torah study on a consistent basis. Even if they would not become great scholars who could continue the greatness of R. Yehuda and R. Chanina, these simpler people would live their lives as complete Jews for whom the Torah is the center of their lives. They would not have to deal with the question of using the Torah as a "tool" – using it to justify neglecting the obligations of supporting their families or defending their nation. That level of connection to Torah is appropriate only for a tiny cadre who can reach the highest level of depth in Torah scholarship if given the opportunity. These great scholars, upon completing their rise to the desired level, go out to teach the Torah they learned and even defend *Am Yisrael* if the need arises. (In the soon-to-be-published *Tzofnat Shmuel* we will deal with other elements of the disagreement between R. Yehuda Hanasi and R. Chiya and his sons.)

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Toldot

Ask the Rabbi

by Rav Daniel Mann

Giving a Tallit on a Sefer Torah to a Visitor

Question: In the makeshift *shul* we were using, the only available *tallit* was draped over a *sefer Torah* in the *aron kodesh*. Was it justified to remove it to give to a visitor who forgot to bring his *tallit*? Which purpose is more important?

Answer: There is no need to use a *tallit* to wrap a *sefer Torah*. Certainly, when it is in the *aron kodesh*, it is uncommon to drape anything on a *sefer Torah* other than its mantle; the *aron* provides the necessary honor and/or protection. It is more common that when it is being transported or placed down for a while, we like to cover it, which is probably a combination of protection and honor. When this is done, it is common to use a *tallit*, which presumably gives more honor to the *sefer Torah* by not only covering it, but doing it with a particularly honorable object. However, even if the *sefer Torah* was being kept out of the *aron*, any respectable covering would be fine. Therefore, the *tallit*'s purpose for covering the *sefer Torah* is not a significant factor.

On the other hand, there is not a serious halachic requirement to wear a *tallit* during *davening*. It is possible that it is important for one *davening Shacharit* to show he is fulfilling the *mitzva* of *tzitzit*, which is mentioned as part of the *tefilla* (compare to Berachot 14b, see Tosafot ad loc.), but this is fundamentally accomplished by his pair of *tzitzit*. Indeed, if wearing a *tallit* during *Shacharit* were particularly important, Ashkenazim would not have the *minhag* that single men do not wear them (see Living the Halachic Process III, F-7). Still, the *minhag* of those who wear a *tallit* has some significance, as does the human element of a visitor being embarrassed or feeling that he is missing something. Therefore, the "greater purpose" is likely to be for the visitor.

What still deserves attention is the matter of taking something away from a *sefer Torah* to be used for a person. If the *tallit* is designated for ongoing use for the *sefer Torah*, it becomes sanctified as a *tashmish kedusha*, which should not be used for matters of lower *kedusha* (Shulchan Aruch, Orach Chayim 154:6), irrespective of the *mitzva* importance of the new usage. A *tashmish kedusha* has higher *kedusha* than an object used for a *mitzva* (Megilla 26b).

However, an object does not become a *tashmish kedusha* by being used on a temporary basis (Mishna Berura 154:11), and even when it is more permanent, an understanding that it should not be set aside for the *kedusha* sometimes works (see Shulchan Aruch ibid. 8). So, one should check whether the nature of the designation of this *tallit* for the *sefer Torah* was intended to be ongoing before using it for other things.

Another question is of situational disgrace to the *sefer Torah* by taking the *tallit* directly from the *sefer Torah* to a person's back. We find halachic precedent for this concern from the matter of taking a light from a Chanuka candle (other than the *shamash*) to use to light another (Shabbat 22b). Using the candle for something else can be *bizuy* (degradation of a) *mitzva*. While we fundamentally allow this, because it is for the purpose of the *mitzva*, there are various opinions about cases that are arguably less *mitzva*-tied (Shulchan Aruch and Rama, OC 674:1). The Rama makes a distinction that is instructive for us. After the candle has been lit long enough for the *mitzva* to be completed, it becomes permitted to use it. It is difficult to determine whether halachically, during use that does not sanctify it long term, *bizuy* to the *sefer Torah* applies, but we would have recommended the following "compromise," which seems balanced and safe for the letter and spirit of the law.

Remove the *tallit* when the *sefer* is in the *aron*, and, if possible, replace it with another nice cloth if the congregation wants it covered. After a few minutes, give the no-longer-in-use *tallit* to the visitor, and after *davening*, do not return the *tallit* immediately to the *sefer Torah*, thereby lessening the image of the visitor taking the "*sefer Torah*'s *tallit*." If, at some point, someone returns it, that is fine.

"Behind the Scenes" Zoom shiur

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Moreshet Shaul

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

Eisav's Struggle with Bnei Yisrael

Based on Siach Shaul, Pirkei Machshava V'Hadracha p. 703

The war with Eisav is a long-lived one. It stretches out over all of the generations and takes place throughout the world. It begins with the first meeting [with the angel of Eisav]: "And a 'man' wrestled with him" (Bereishit 32:25), and this struggle lasted until "the dawn rose" (ibid.). As Yaakov was preparing to enter *Eretz Yisrael*, the angel of Eisav stood up against Yaakov when he was alone – from Yaakov's [success in this encounter] he received the name Yisrael. When the Nation of Israel was on the way to enter *Eretz Yisrael* [after the Exodus], Amalek (the nation of Eisav's grandson) came unprovoked to wage war (Shemot 17:8). Amalek's hostility is not limited to *Eretz Yisrael*, as in the heart of the Babylonian/Persian exile, Amalek's descendant Haman complained, "There is one nation that is scattered and divided among the nations" (Esther 3:8) [and sought to destroy them].

The nation that is described as "it did not fear Hashem" (Devarim 25:18) cannot bear the existence of a nation whose entire existence proclaims that the world has a Master. Israel is a nation whose existence does not fit with Amalek's assumption that one can live "under the Heaven" (see Shemot 17:14). Bnei Yisrael disprove the accepted rules, such as when "As [the Egyptians] afflicted them, so did they multiply" (Shemot 1:12), because they have otherworldly stubbornness. When the nation senses danger to its very existence, it develops a power of opposition [to the danger].

Despite its numerical paucity, the Nation of Israel is like an active, unstable substance. It has a hand in every revolution and every new philosophy and activity that changes the accepted world order. It is not given to surrender to restrictive conditions, as those who heard "To Me are Bnei Yisrael servants" (Vayikra 25:55) are not inclined to accept the dominion of a human and thereby be servants to servants.

One historical phenomenon existed in all types of struggles and all eras: "Yaakov remained alone" (Bereishit 32:25). All of the imaginary allies disappear at the critical time, so that Israel must handle the struggle alone.

To the extent that Israel keeps to its expected character, all opposition is weakened. Eisav surrenders, losing its power to the nation that rises up like a lion. However, when Israel forgets its role in the world and imagines that it can be like all the other nations, the eternal enemy awakens.

For this reason, Eisav toils to ambush those who are weak in Israel, to seduce those of weak mind, and poison Israel with blasphemy and to relinquishing its internal uniqueness. This is along the lines of the famous parable of the fox that tries to cajole the fish into coming onto land. About this struggle, the Torah tells us that "Moshe's hands [that were to inspire the people] were heavy" (see Shemot 17:12).

For some 50 years, authentic Jewish life in Russia has been silenced. There are no longer *yeshivot* or *chadarim* (Jewish day schools), no synagogues or rabbis. With iron fists and false propaganda, the Russians succeeded in uprooting everything. But then a miracle occurred, and when it appeared that [Judaism in Russia] ceased to exist, "Yaakov will not be disgraced now, and its face will not become pale, as it sees its sons, the works of My hand, in its midst, sanctifying My name" (Yeshayahu 29:22). Specifically, after a long period of subjugation and silence, the nation arose and "straightened its posture." The huge political machine, which was designed to turn people into permanent slaves, has been shaken, calling out in fear due to the voice of truth of traditional Judaism, whose strength is in its speech. There is something that is stronger than tanks and planes, bombs and missiles. "Any tool that will be designed against you will not succeed, and every tongue that will rise up against you in adjudication you will disprove" (ibid. 54:17).

We daven for a complete and speedy refuah for:

Itamar Chaim ben Tzippora

Nir Rephael ben Rachel Bracha

Arye Yitzchak ben Geula Miriam

Tal Shaul ben Yaffa

Ori Leah bat Chaya Temima

Neta bat Malka

Meira bat Esther

Together with all cholei Yisrael

P'ninat Mishpat

Toldot

Did Any Furniture Go to the Buyer? – part I

(based on ruling 84093 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The plaintiff (=pl) sold her apartment to the defendants (=def), who had previously rented the apartment from her. *Beit din* solved most of the disagreements between the sides about the sale by means of compromise, except for the following. *Def* says that based on agreement and on common practice in their city, the furniture of the small rental unit is sold along with the apartment. Each side has ancillary monetary claims regarding the furniture if it belongs to *pl*. *Pl* demands payment for *def*'s use of that furniture until now. *Def*, who claims not to have used the furniture, says that since *pl* is asking for payment for what happened in the meantime, they will demand payment for storing the furniture during this time. While the contract writes that furniture that is not permanently connected to the apartment goes back to *pl*, *def* claim that the built-in oven is included. *Pl* also is suing *def* for allowing *pl*'s divorcee to take books that he had no right to from the apartment.

Ruling: Furniture in rental unit: The contract states that all removable furniture is not being sold, and this should include those in the rental unit. It is true that during negotiations for the sale, *pl* had offered the furniture in the rental unit, but it is not uncommon for certain offers to be made during negotiations and not carry over to the final sale. On the other hand, the Rama (Choshen Mishpat 207:1) says that when there is an oral understanding, followed by a contract that leaves out the matter, the understanding is valid. However, that is when the contract leaves the matter out, whereas here it says that all the furniture goes to *pl*. We have a major rule that a party to a contract cannot claim that he did not notice a clause (Shulchan Aruch, CM 45:3, based on the Rashba). Additionally, this contract states that it uproots any previous agreement. Although *def* claim that rental units have different practices in the matter than the rest of the apartment, there is no other agreement that deals with the unit, and therefore the clauses apply to the whole apartment. If the rental unit is not included, then there is no contract for it, and based on the practice in Israel, the sale cannot be valid for real estate without a contract (see Rambam, Mechira 1:4). Therefore, even if there were a local *minhag* to include the furniture of the rental unit in the sale, it will not be enough to counteract that which we consider explicit in the contract.

Use and storage of the rental unit furniture: *Beit din* will not consider these claims. In the compromise agreement the sides accepted, it lists which issues remain open and which are settled by the compromise. This is one of the matters that is included in the compromise settlement.

Next time we will finish up our treatment of the ruling.

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