



# HEMDAT YAMIM

חֵמְדַת יָמִימִים

## Parashat Hashavua

Shelach, Sivan 21, 5786

Harav Shaul Israeli zt"l  
Founder and President

### “A Nation Shall Rise Like a Lion”

Harav Yosef Carmel

The establishment of an independent Jewish state in *Eretz Yisrael* connects strongly to the beginning of *Parashat Shelach*. Conquering the Land and dividing it to the nation were conditions for a state. All twelve tribes were supposed to be involved in the required war.

King David realized the dream, as he established with Hashem's help, a united state, whose army liberated Yerushalayim and defended the country's borders. The next goal was to reach world peace and liberate the world by sharing with it the values of morality and justice. This was behind Shlomo's building of the *Beit Hamikdash* and inviting the nations there for prayer and service of Hashem. The furtherance of this spiritual partnership found expression in the words of the prophets Yeshayahu and Micha, after Shlomo did not finish the work.

Unfortunately, the attempt failed and the dream was pushed off. This was impacted by the break among the tribes of the First Temple and the baseless hatred of the Second Temple, so that it must wait for the End of Days.

The beginning of this period of *geula* was when students of the Vilna Gaon came to *Eretz Yisrael* 200 years ago. The Gaon taught his students that in order to receive Divine Assistance, it was necessary to act towards the goals and allow the liberation to proceed step by step on the long road of building the Land, establishing Torah centers in Yerushalayim, and, finally, establishing a Jewish state with an army and police force. Then there will be a basis for Hashem's blessing to take hold on. First, the army must fight the nation's enemies, like David did.

The second stage is to fulfill Tzefania's prophecy, to prepare the whole world to serve Hashem together: "Then I will turn to the nations with clear speech so that all will call out in Hashem's Name and serve Him with one shoulder" (3:9; see Rambam, Melachim 11:4). The Rambam invokes Bilam's prophecies, which compares Bnei Yisrael to a lion who is rising. It blesses the allies of Bnei Yisrael and curses its enemies, as Avraham was promised (Bereishit 12:3).

The State of Israel and indeed the whole world are in a very special time period. The Middle East has changed dramatically. One evil regime after another have fallen or been greatly weakened. The ring of fire that was supposed to burn the Jewish state now burns itself. Hamas has been brought to returning our hostages and will have to give up its arms and dreams of continuing to rule in Gaza. The nations keep the Noahide laws. The Arab nations will come to have a fair judicial system (*dinim*). They will move away from cruelty, even to animals (*ever min hachai*). There will be societies with families with two partners who respect each other, thereby bringing peace to the home. Women will no longer be treated like slaves or prizes for lowly murderers. Lebanon has started to act like a country with one army, aiming to live in peace among its neighbors. Hezbollah will be forced to give up its arms and its satanic plans for Israel and non-Shiite Lebanese. Syria will join the Abraham Accords and humanity. Iran will be freed from its regime of intimidation of its own citizens and others and its development of weapons of mass destruction.

So will we take steps toward world liberation, as Tzefania foresaw. Let us unite as a nation so that we can make this a reality, along with our allies, those who bless us.

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# Ask the Rabbi

Shelach

by Rav Daniel Mann

## Teaching *Hagbaha* to a Son

**Question:** I can get permission from the *gabbai* to take out a *sefer Torah* to teach my teenage son how to do *hagbaha* properly. Is this permitted?

**Answer:** We start with the potential problems.

The Shulchan Aruch (Orach Chayim 135:14) disallows taking a *sefer Torah* from its place so that people who cannot come to *shul* can *lain*. The source is a Yerushalmi (Yoma 7:1), which says, before bringing exceptions, that proper respect is that people should be the ones to go to where the Torah is. Within the *shul*, we obviously do not expect people to climb into the *aron kodesh* to read from it, but Dirshu (135:60) cites a *machloket* about whether it can be taken from room to room in one building.

A related problem that could be more difficult to solve is that it is prohibited to disgrace a holy object (see Shulchan Aruch, OC 154) and certainly a *sefer Torah* (see *ibid.* Yoreh Deah 282) by using it for a mundane purpose. What if the mundane use advances a religious value? The Taz (YD 282:13) forbids using one *sefer* to raise up another one to make it easier to read, as one must not use something holy for a use that is fitting for “wood or stone.” The Magen Avraham (154:14) disagrees and allows one to bring one *sefer* in order to prop up another.

We should now try to determine what we accomplish with *hagbaha* and whether learning/practicing doing it has value. The *gemara* (Megilla 32a) discusses the importance of *gelilla*, which is more like what we call *hagbaha*, as does the Ramban (to Devarim 27:26). While Sephardim do it before *laining* to show the people the holy text to be read (as appears in the original source, Nechemia 8:5), Ashkenazim changed to doing it after *kri'at haTorah*. The change focuses our attention on the element of allowing people to honor our beloved Torah scrolls (see development of this idea in Living the Halachic Process V, D-5).

Is the honor of *sifrei Torah* raised by your teaching/practicing with your son? *Hagbaha* will be done whether or not you teach your son its finer points. The major difference is probably whether he will have the confidence to accept the honor/task when asked, which is about him, not the *sefer Torah*. On the other hand, there may be a time that he will accept *hagbaha*, and the better the job, the better the Torah is honored. Arguably, it also lessens the albeit tiny chance that an untrained boy will drop a *sefer* (people are usually vigilant). If we assume that the lesson increases the honor of *sifrei Torah*, we can eliminate the problem.

Even if we focus on your son, there is a concept of making allowances regarding certain rules in order to educate children. It is permitted for a child to make *berachot* which are objectively *l'vatala* to train him in making the *beracha*, and an adult may even feed him the “problematic” wording (Shulchan Aruch, OC 215:3; Mishna Berura 215:14). This applies even for post-bar mitzva men who need education (Igrot Moshe, OC II:56). However, if one views your training as more about “empowering” your son than necessary *mitzva* training, use of a formal *chinuch* allowance becomes questionable (see one application in LTHP VI, A-4).

But this case is probably not “forbidden” per se. Even the Taz (above) was bothered by the prospect of a *sefer* being used for something any object of that size could have been used for. Here, one would be hard pressed to find a full replacement to learn the special techniques of *hagbaha*.

The only explicit source I found on this question is Chashukei Chemed (Megilla 26b) who quotes Rav Elyashiv as considering such training improper. I see this as a strict ruling, if it is a clear ruling. I suspect he is assuming an audience in which enfranchising a teenager in *shul* is not a recognized need. While my father just discussed strategy with me and did not practice in this way, which is what I did for my sons, if you think such training will be significant for your son, then do it. If you do so, it is preferable to first learn together from the Torah or review halachic qualities (see *ibid.*) and to stress the *sefer Torah*'s beauty and preciousness.

### “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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## **Moreshet Shaul**

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

### **The Study of Chumash**

Based on Siach Shaul, Pirkei Machshava V'Hadracha p. 280, 281

The main reason that people do not give proper regard to study of *Chumash* is that it seems too light and simple. The fact that school children start studying it in second grade and “master” the study sometimes makes one feel that it is “study of young children.”

There are other factors that reinforce this perception, and the first applies to those who previously learned in a yeshiva. Since in *yeshivot* the main focus is on the study of *gemara*, which is intended to fully occupy his mind, the study of *Chumash* is seen as something that unscholarly people do, and therefore not a worthwhile topic. Yeshiva students like to say that if you do not remember the location of a certain *gemara*, find it in the K'tzot Hachoshen, and if you want to find a *pasuk*, look at the *gemara* that quotes it. The Volozhin Yeshiva was unique, as the Netziv would regularly learn the weekly portion with the students. In other *yeshivot*, though, they would look with disapproval on the student who would be careful about the practice of reading the weekly Torah text twice and the Aramaic translation once. Those members of the *moshav* who were yeshiva students, even if their youthful passion for study of *gemara* has mainly dissipated, their disregard for the study of *Chumash* was preserved. This occurs despite the fact that now they are indeed unscholarly (which they seem to forget), so that [even according to their misconceptions], study of the portion of the week is the necessary basis of their study.

In order to learn a page of *gemara* one needs a clear mind and enough time to allow the absorption of the topics' give and take. Also, most of the topics found therein are far from practical questions that regularly arise. In contrast, regarding the study of *Chumash*, any length of time can be taken advantage of, and it provides ideas, a philosophy of life, ethics, and belief in Hashem, even within small sections – even one *pasuk* and sometimes one word.

### **What Should a Soldier Study in his Free Time?**

The issue found in the title reminds us of the Jew who came to Rav Yisrael Salanter and asked him what he should study during the free half hour he had every day. Rav Salanter answered: “Study *mussar* (ethics), and then you will realize that you have more than 30 minutes of free time.” However, certainly the conditions in the army are different, and a soldier's free time is very limited, so that the question of what to learn arises.

It is difficult to speak of preferences. It is not possible to suggest a plan of “this is what you should learn.” The major rule is: “One should always study Torah from the place that appeals to him” (see Avoda Zara 19a). The study thus is first and foremost dependent on each individual's tastes. There are those who are most attracted to a page of *gemara*; another person is interested by contemplating a topic in Jewish Philosophy; a third prefers a chapter in a book of ethics. It need not be fixed, and it is possible that the next day the choice will change. In any case, we should leave the choice in his hand – based on his calculations and personal preferences.

The above applies to soldiers who have a level of Torah scholarship that enables them to study where they desire. For others, who are taking their first steps on the road of religious studies, it is proper to offer them the study of relevant practical Halacha melded together with Torah study, for one is not possible without the other.

“Study is great, for it leads to actions” (Kiddushin 40b). Action is incomplete without study. Therefore, one must first study all of the basic principles of Halacha, while at the same time search for their roots, in a manner of Torah study that leads to action.

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

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**Nir Rephael ben Rachel Bracha**  
**Ori Leah bat Chaya Temima**

**Arye Yitzchak ben Geula Miriam**  
**Neta bat Malka**

**Avraham ben Gitel**  
**Tal Shaul ben Yaffa**  
**Meira bat Esther**

Together with all *cholei* Yisrael

## P'ninat Mishpat

### A Mess of Loans, Repayments and Grievances – part IV

(based on ruling 83033 of the Eretz Hemdah-Gazit Rabbinical Courts)

**Case:** The plaintiff (=pl), a lawyer, worked for and had intricate financial connections with the defendant (=def). There are two loan contracts of pl lending 250,000 NIS to def, which seem basically confirmed by bank transfers. Def made several significant payments to pl, but the sides dispute the nature of several of them, with possibilities including payment of salary. Def also has claims on rental fees at his offices from which pl continued to work after his employment ended, as well as deductions for various grievances about pl's flawed work. This final installment relates to def's counter claim that pl put in many fewer hours than he was required to and spent some of his time on private jobs. Pl responds that it is difficult for him to work without interruptions because of attention deficiency, but that def was fully aware of his work style, and continued to pay him without comment, and this is because he was extremely successful in the work he did.

**Ruling:** A worker's requirement to work diligently for his employer is so basic that the *mishna* does not spell it out. The Rambam (Sechirut 13:7, accepted by Shulchan Aruch, Choshen Mishpat 337:20), refers to incomplete work as "stealing the work of the employer," and the Maggid Mishneh says that the source is: "It is simple." Chazal do give examples of prohibitions on improper moonlighting and tell stories of those who excelled in their care (see Tosefta, Bava Metzia 8:9).

One can wonder what it is that the lazy worker is stealing – the work due the employer, as the worker becomes acquired to a certain degree, or the money he needs to pay? There is actually a *machloket Rishonim* whether there is some element of a worker being acquired (Rambam, Mechira 13:15) or not (Tosafot, Kiddushin 17a), unless he is an *eved ivri* (see Netivot Hamishpat 203:7). Mesilat Yesharim (Nekiut, 11) sees it the first way, and the Tashbetz (III:109) sees it the latter, saying that he may not have to work, but then he cannot ask for pay for what he did not do.

Pl admits to not doing the amount of work he was contracted to do, and this was incorrect behavior. However, this does not enable def, after years of pl's work, to demand back that which he paid. Rather, def continued to employ pl without even warning of the consequences of his work habits, even though he was aware of them. This engenders *mechila* (relinquishing of rights) on the arguably extra money that he paid. Apparently, def indeed decided that pl's partial work was worth the money he was paying for it. Therefore, this attempt of def to subtract for alleged overpaying is rejected.

*Many other claims of def for faulty work by pl were rejected due to lack of evidence.*

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