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Yeshivat Ateret Yerushalayim

IN THE HEART OF THE OLD CITY OF JERUSALEM

The Torah of Ha-Rav Shlomo Aviner, Rosh Ha-Yeshiva

Parashat Chayei Sarah 5768

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Acquiring Territory in the Land of Israel

In the Torah portion of Chayei Sarah we read about Avraham Avinu purchasing the Cave of Machpelah in Hebron. We can ask ourselves: what does this story have to do this us? What do we learn from it for our lives?

Text Message Responsa

Ha-Rav answers hundreds of text message questions a week.

Here's a sample:

Q: Can I invite a close friend who is Druze to my wedding?

A: Yes. He is one of the righteous of the nations.

Q: Is it permissible to enter a bathroom with a ring that has a verse engraved on it?

A: It requires two coverings as does a shirt with a verse on it.

Q: Is it a halachic problem to be in depression? How does one get out of it?

A: It is a good characteristic to be happy. You seek professional help.

My teacher, Rav Tzvi Yehudah Ha-Cohain Kook, explains that we must view the history of our ancestors in light of the great principle "The action of the fathers is a sign for the children" (Ramban to Bereshit 12:1, Tanchuma - Lech Lecha 9 and Sotah 34a).

The purchase of the Cave of Machpelah marks the beginning of our settlement in the Land of Israel. The fact that Avraham Avinu acquired this first piece of land with money is of great significance, for he was a great warrior when necessary, and thus could have acquired the land through force. And so we learn that, of the various methods of acquisition enumerated by Halachah, money was the first to be used in the attainment of our Land. Indeed, so many generations later, Theodore Herzl too began the acquisition of our Land through monetary channels: the Bank of the Land of Israel, one of his earliest endeavors, was established not for individual matters, but for the settlement of the Land. Purchasing its stocks was a mitzvah, and the project itself provided a model for the activities of the Jewish National Fund.

Crucial to our understanding that "the action of the father is a sign for the children" is the idea that our forefathers are not separate entities from their children, but rather, form a continuum with them. They are the root of Klal Yisrael. Their actions are "signs" for their children, i.e. for us, because we are in fact one entity with them. We are bound together, sharing a single essence which flows throughout time, from one generation to the next. When we learn about our forefathers and their actions, we learn about ourselves and our actions, which are one and the same.

This idea has its source in the words of our Talmudic Sages, who explain the Divine command to Avraham Avinu: "Arise, walk in the Land, its length and its breadth, for I am giving it to you" (Bereshit 13:17). This journey through the Land of Israel, Our Sages teach us, was not designed to signify Avraham Avinu's individual inheritance of the land ("I am giving it to you,") but rather to ensure that the Land would be easily conquered by his children (Baba Batra 100a). The father and the children are one entity: the promise to one includes the promise to the other.

It is clear that this Divine decision, "I gave this Land to you," marks the beginning of our connection to the Land of Israel. This Land is ours. It is an absolute, divinely decreed fact which is unchangeable. It is through our own efforts, however, that this connection is realized. Avraham Avinu brought into reality the Divine decree "I gave" by acquiring the Land with money. This action of our forefather was "a sign for the children" in the period before the establishment of the State of Israel, and continues to be "a sign for the children" in our day.

Our master, Rav Avraham Yitzchak Ha-Cohain Kook, explained in his speech about the Jewish National Fund that our right to the Land was never annulled; not our right as individuals, and all the more so, not our right as a Nation. As a loyal, righteous Nation, however, we aspire to conquer our Land in a just and faithful manner. Whenever possible, we do not conquer through strength and sword, but, rather, through peaceful means: we are thus willing to pay huge amounts of money for every piece of our Land (Ma'amrei Ha-Re'iyah vol. 1, p. 252).

We were and we are. With Hashem's help, may we merit to continue the work of Avraham Avinu.

[Shut She'eilat Shlomo vol. 4 #54. Originally delivered on the radio program "Kabbalat Shabbat" which was dedicated to Beit El]

Book of the Week Written by Rav Aviner



Commentary to Mesilat Yesharim

Just Published - Ha-Rav's commentary to the first half of this classic work by Rabbi Moshe Chaim Luzzato! Ha-Rav often says: "I always suggest that people read Mesilat Yesharim. When the Vilna Gaon first received this book, he learned it 101 times by heart. I am not the Vilna Gaon and you are not the Vilna Gaon, therefore 100 times is enough, and it does not need to be by heart. You should read it slowly and often. Included in this book is how to slowly exalt yourself, how to slowly sanctify yourself, in mitzvot between you and Hashem and in mitzvot between you and other people."

Stories of Rabbenu – Our Rabbi

Ha-Rav Tzvi Yehudah Ha-Cohain Kook

Blowing up the Dome of the Rock

After the Six-Day War, the Minister of Defense, Moshe Dayan, evacuated the non-Jews from the Jewish Quarter of the Old City. A few young men, who fought in the Jerusalem Brigade, felt that it was not enough, and they prepared explosives to blow up the mosques on the Temple Mount. They nonetheless went to take counsel with our Rabbi, who rejected the idea: This must come from the entire Nation, and not a part of it. They went to Reb Aryeh Levin, thinking that since he supported Etzel and Lechi before the establishment of the State, he would respond positively, but he also rejected it for the same reason that there is a need for National agreement. He related a story, which our Rabbi would also relate, that a certain preacher would travel to different cities and encourage belief in false messianism, and he had a major influence. When Rav Chaim of Volozhin was informed that he was scheduled to speak on Shabbat in a particular community, he sent two messengers, who were to violate Shabbat to stop him, since it was a matter of life and death. They were successful. A rich non-Jew asked Rav Chaim if he had heard about the preacher and if, in his opinion, he was the Messiah. Rav Chaim responded: And what do you say? He answered: This has nothing to do with me. Rav Chaim said: You are wrong. When the Messiah comes even you will feel it.

The young men asked Reb Aryeh Levin slightly joking: If so, the building of the Temple also depends on the decision of the Knesset? He answered: It may be.

(Iturei Cohanin #57 from Ha-Rav Avraham Remer)

Our Rabbi and his strictures regarding eating

The "Divrei Avraham" [Ha-Rav Ha-Gaon Rabbi Avraham Dov Ber Shapira of Kovno] participated in a gathering of "Agudat Yisrael," and since our Rabbi had a great desire to meet him, he came to the hotel where he was staying. They had a lengthy conversation, but when it came time for lunch, our Rabbi moved to the side to eat bread and honey. This is how he acted during his travels in order to avoid kashrut problems [since any additional ingredients in honey ruin its taste and are noticeable]. The "Divrei Avraham" invited him a few times to join the others, but he declined, and then the 'Dvar Avraham' understood: "His honor simply has special strictures regarding eating." Our Rabbi then resolved: "My thought was not to act this way in the presence of a great man" (See Ketubot 63a where Ben Kalba Shavua vowed that his daughter would not benefit from his property after she became engaged to the unlearned Rabbi Akiva. He later wanted to annul his vow and heard that a rabbi had come to town. The Rabbi asked him, "Did you intend to make your vow even in the case that he would be a great man?" Ben Kalba Shavua said, "No, even if he had learned a little I would not have vowed." Rabbi Akiva then revealed to him that he was his son-in-law). Our Rabbi then established three general rules for himself: 1. All of his special practices regarding eating would be nullified in the presence of a great man who asked him to eat. 2. And similarly, when he was a guest of other people. 3. And even when people were his guests.

When our Rabbi returned to his house from Hadassah Hospital in the year 5733, he emphasized that he was returning to all of the strictures and customs of piety.

Shut She'eilat Shlomo - Questions of Jewish Law

POLLARD FOR TERRORISTS?

Rav Aviner wrote this piece in Adar 5765 after Israel agreed to release approximately 1000 Arab terrorists as a goodwill gesture to Mahmoud Abbas. To our great distress, it still applies.

Question: When we are now poised, to our distress, to release many terrorists, the request has come from various directions to demand the release of Jonathan Pollard. Isn't there a desecration of Hashem's Name in this?

Answer: This is certainly a desecration of Hashem's Name, as if it is possible to compare a great righteous person, who risked his life for the entirety of Israel, to murderous terrorists, haters of Israel. If they were suggesting the release of Pollard in exchange for an American spy imprisoned in Israel - this is acceptable. It is a desecration of Hashem's Name to compare him to murderers, but it is even a greater desecration of Hashem's Name for him to remain in prison. We are not only discussing the redemption of captives here, but a great mitzvah beyond measure. In the Exile, we are lowly. Therefore when a Jew is a captive, we attempt to redeem him in exchange for money. Now, however, we are a sovereign State, and we can make demands. Before the United States, we are not lowly beggars, but a free Nation. The Americans are not doing us any favors for the sake of Heaven. They need us, and we can therefore make with requests. It is clear, Jonathan himself would not come with a request like this, since he is a noble person, but we are obligated to demand this with all forcefulness.

ACTIONS FOR POLLARD AGAINST HIS WISHES

In Tishrei of 5765, renegade action by an activist prompted Adi Ginzburg, an activist for freeing Jonathan Pollard, to ask Rav Aviner: "Is it permitted to work for the release of Jonathan Pollard in opposition to Jonathan's will, such as initiating activities, meetings and events which Jonathan strongly opposes and using tactics which Jonathan disagrees?" Rav Aviner ruled: In response to your question, whether it is permitted to work for Jonathan Pollard in a manner which he strongly opposes, certainly one must not do so. [This is forbidden] whether from a moral standpoint, after all he is the one serving the sentence, not us; or whether from a political standpoint, since he has much more information than we do; or whether from the standpoint of effectiveness, since he is likely to work to halt initiatives which he views as counterproductive and there is no way of knowing the permanent damage that may result. [Hebrew text can be found at <http://www.jonathanpollard.org/2004/101704a.htm>]

Jonathan Pollard Count: 8013 Days in Jail



Free Pollard Now!

To learn more: www.jonathanpollard.org

Rav Aviner's article from the parashah sheet "Be-Ahava U-Ba-Emuna" of Machon Meir from last Shabbat – Parashat Vayera 5767 (Translated by Rafael Blumberg)

I Choose Heter Mechirah

Translator's note: "Heter Mechirah" refers to produce from Jewish fields that were formally sold to a non-Jew the way chametz is. "Otzar Bet Din" refers to where Jewish fields are handed over to a Jewish court. Then, its Jewish farmers tend to the fields, harvest and process the produce as employees of the Jewish court, and bring the produce to market. The produce is holy.

Question:

If I can't find "Otzar Bet Din" produce, should I be lenient and purchase "Heter Mechirah," or is that forbidden, such that I should prefer produce from Arabs.

Answer:

Don't buy seventh year produce from Arabs. Buy from Jews. First of all, you have to realize that heter mechirah is not something forbidden or barely permissible. Rather, it is clearly permissible, with a strong basis in Halachah. This is not the place to go into a halachic discussion since it was already decided 119 years ago, and the greatest sages supported it, including Rabbi Yitzchak Elchanan; Rabbi Yehoshua of Kutna; Rabbi Yehoshua Leib Diskin; the Aderet; Rabbi Naphtali Hertz, Chief Rabbi of Jaffa; The Sochochover Rebbe; Rabbi Shmuel Mohliver; the Rishon LeTziyon Rabbi Ya'akov Shaul Elyashar; Rabbi Yosef Engel; and Maran HaRav Avraham Yitzchak Kook. In recent generations, we do not have anyone who comes close to their level and can nullify their words. Therefore, our Rabbi, Rav Tzvi Yehudah Kook, wrote that if someone does not wish to use the heter mechirah, he is just choosing a high level of strictness and saintliness (LeNetivot Yisrael 2:224). It is known that with saintliness we have to be very careful lest it lead to sin, as Ramchal [Rabbi Moshe Chaim Luzzatto] explains in his Mesillat Yesharim, Chapter 20, on saintliness. We have to examine well if our not availing ourselves of the heter mechirah is not a stringency that will lead to a leniency, which would be a reason to distance ourselves from that practice. Indeed, numerous leniencies and many sins are involved in refusal to make use of the heter mechira:

1. Doing so harms the ability of Jews to earn a living. After all, it says, "Help your brother survive" (Vayikra 25:36). We have to take pains that our fellow Jews do not become poor.
2. "Buy from your neighbor" (ibid., 25:14). If you have the possibility of buying something from a Jew or a non-Jew, you have to prefer the Jew, for he is our brother. This applies even in the Diaspora.
3. "Libeling the decisions of our predecessors" (Ketuvot 103a). If someone uses the expression "it is forbidden" regarding fruits provided in accordance with heter mechirah, he is libeling the great rabbis who followed it. (see LeNetivot Yisrael, ibid.)
4. Scorning others. A major precondition for achieving saintliness is not scorning others who do not behave as we do (Yerushalmi Berachot 2:9). Here, the use of the expression "forbidden" scorns those Jews who eat these fruits. (LeNetivot Yisrael, ibid.)

5. Undermining Rabbinic Authority. It is told about Rabbi Tarfon that he following the strict approach to reciting the Shema like Bet Shammai. The Rabbis said to him, "You deserve punishment for that, "for you violated the words of Bet Hillel" (Mishnah, Berachot 1:2). This is puzzling, considering that Bet Shammai is stricter. Hence how did he "violate the words of Bet Hillel"? Ramchal therefore explains: "The controversy between Bet Shammai and Bet Hillel weighed heavily on Israel. It was finally decided that the law follows Bet Hillel forever. This constitutes the upholding of the Torah. This final ruling will remain binding forever and ever, and will never be weakened. G-d forbid that the Torah should become two Torahs. Therefore, according to the view of this Mishnah, it is more saintly to hold like Beit Hillel, even if they are more lenient, than to be strict like Bet Shammai. This precedent provides us with the eyes to see in what direction the light of truth and faith will reside, so that we can do what is right in G-d's eyes." (Mesillat Yesharim, end of the Chapter "Mishkal HaChassidut", Chapter 20).
6. "Give them no consideration" (Devarim 7:2). Some say that every act that strengthens the foothold of non-Jews in the Land violates the above verse, which the Talmud explains as meaning, "Give them no foothold in the Land" (Avodah Zarah 20a). It is clear that the more we provide non-Jews in our land with a livelihood, the more rooted they will be in it. By the way, one of the arguments used by those who oppose the heter mechirah is that by the sale we violate "Give them no consideration". Yet according to what I have written here, the exact opposite is the case. The heter mechirah is what strengthens the Jews' foothold, and not using it strengthens the foothold of non-Jews.
7. Supporting terrorists. If we buy from Arabs in Gush Katif, for example, it is obvious that we are economically strengthening terrorists who until today have been involved with terror. By such means we are strengthening terror.
8. Non-Jews' lands that really belong to Jews. If someone buys produce from non-Jews, he is working on the assumption that their lands really belong to them. Yet that assumption is refuted by reality. How did so much land in Eretz Yisrael come to be owned by Arabs? Did they buy them from Jews? Certainly not! Rather, when we were expelled from our land, it remained desolate, and down through the generations they took control over our land. It is theoretically possible that Jews sold land to non-Jews, but the possibility that this actually happened is infinitesimally small. 99% of Arabs lands were squatted on by Arabs. This approach is recognized officially by Turkish law as well: If someone settles on empty land, it becomes his. The conclusion is that almost all of the Arabs' land are really Jewish lands, and all the laws of shemittah apply to them. Moreover, according to Halachah, conquest affords ownership. Therefore, the Wars of Independence and the Six Day War afforded ownership. This matter is agreed upon by almost all the poskim [halachic decisors]. Even the Satmar Rebbe admitted that the State of Israel has ownership over its lands. Therefore, in his view and the view of others, produce should be purchased only from non-Jews from outside the Land. The following paradox results: Arab land is really Jewish, and the prohibitions of the Seventh year apply to them, and Jewish lands sold via the heter mechirah belong to the Arabs, and the prohibitions of the seventh year do not apply.

In conclusion, we see that compared to the one problem of heter mechirah, which was decided on by the greatest rabbis for the past seventeen Sabbatical years until today, the failure to avail ourselves of the heter mechirah involves a whole plethora of very complex

halachic problems. Thus, it is bizarre to call that a “stringency” when it is nothing but an enormous laxity.

As far as Otzar Bet Din, that is not free from problems either. I will describe what the matter is. Our sages wrote: “At first the emissaries of the court would go door to door through the city. If someone brought fruits to the emissaries, they would take it and provide him with three meals’ worth, and the rest they would place in the city storehouse. When the times came for figs, the court emissaries would hire workers who would cultivate them and process them into clumps of dried figs. When the time of olives arrived, the court emissaries would hire workers who would pick the olives, process them, put them in barrels and store them in the city storehouse. When the time came for grapes, the court emissaries would hire workers who would pick the grapes, crush them, put them into barrels and put the barrels in the city storehouse. Then they would distribute the food on Fridays, to each man in accordance with his family’s needs.” (Tosefta Shevi’it 8:12) Presently Otzar Bet Din is run the following way: The farmer himself is appointed as an emissary of the court and he is paid money not for the fruits themselves but for his effort and investment. Anyone can see that Otzar Bet Din as well has several problems:

1. Rambam did not quote this Tosefta as law, nor did the poskim who followed him. Rather, it was the novel invention of the Chazon Ish to rule this way.
2. The Tosefta makes no mention of payment. After all, the fruits of the Land are hefker! [Free for all takers]. To say that the field’s owner deserves payment for his work and investment is a very novel idea.
3. If these farmers are being paid for their toil and investment, then the price for all the fruits should be uniform, whether the fruit is attractive or low-quality. To say that if it is nice that is a sign that the farmer worked more and invested more, and therefore deserves more money, is far-fetched.
4. And anyway, the appointment of the farmer himself as the court emissary is a very revolutionary idea.

In a word, even regarding Otzar Bet Din there are not a few questions. True, there are less questions than regarding Arab produce, but this isn’t so smooth either. Therefore, let us quietly and self-confidently follow the heter mechirah, which was established by the greatest Rabbis, already seventeen shemithah-cycles ago. Let us strengthen the agriculture of our Jewish brethren. Let us strengthen our hold on the Land. Let us strengthen our faith in our rabbis’ rulings.