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HEMDAT YAMIM

Parashat HaShavua

R'ei, 30 Av 5775

“The Place that Hashem Will Choose”

Harav Yosef Carmel

R'ei is the main *parasha* that deals with a plethora of *mitzvot* that involve the *Beit Hamikdash*, which was and will again be erected in “the place that Hashem will choose.” This phrase, which first appears in our *parasha*, appears here sixteen times in a variety of contexts. This includes: the *mitzva* to build the *Beit Hamikdash* (Devarim 12:5; see Rambam, Melachim 1:1), the prohibition of *shechting* animals elsewhere when it should be done there (ibid. 11), *ma'aser sheni* (ibid. 14:23), and the *mitzva* to thrice annually visit there (ibid. 16:11).

The question begs asking: how does it become known what the place that Hashem will choose is? There is an early hint in the story of *akeidat Yitzchak*, which took place in the Land of Moriah. “Avraham called the place ‘Hashem will see,’ as it will be said today, ‘on the mountain of Hashem it will be seen’” (Bereishit 22:14). This connection to Moriah is made explicitly only in Divrei Hayamim (II:3:1): “Shlomo began to build the House of Hashem in Yerushalayim on Mount Moriah.”

Chazal informed us that Shmuel Hanavi, Shaul Hamelech, and especially David Hamelech worked very hard in trying to uncover the desired place (see, for example, Yalkut Shimoni, Parashat Shoftim 910). There is a *mizmor* of Tehillim (132:1-5) that deals with this attempt: “A song of the steps – Hashem, remember for David all his toil, that he swore to Hashem, vowed to the Powerful of Yaakov, lest I enter into the protection of my house, lest I go onto my bed, lest I give sleep to my eyes, dozing off to my eyelids, until I find a place for Hashem, a dwelling for the Powerful of Yaakov.”

Rabbi Moshe Ibn Nachman, the Ramban, who renewed the community of Yerushalayim 750 years ago, taught us a fascinating idea about “the place that Hashem will choose.” He says (Devarim 17:15) that any place in which Bnei Yisrael would have built a *Beit Hamikdash* would have been proven to be the place that Hashem desired that they choose. In other words, the choice of Bnei Yisrael, along with its kings which the nation chose, would have been a revelation of the Divine Will on the matter. This, in effect, gives the nation a collective status of a prophet. Just as there have been individuals, who through hard work and an exhaustive process, have reached the level of closeness to Hashem to turn them into prophets, so too the nation as a collective had the special power to reveal the location of the place that Hashem chose.

Let us pray that we too will be able to reveal the will of Hashem in other matters as well, in the merit of our forefathers and those of all the generations that preceded us, along with the merit of unity and showing love without particular cause. Then shall we merit fulfilling all the *mitzvot* that depend on the place that Hashem will choose.

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by Rav Daniel Mann

Listening to *Laining* During *Shemoneh Esrei*

Question: If a person comes late to *davening*, is he allowed to continue with *Shemoneh Esrei* during *Kri'at Hatorah* (=laining). Does it make a difference if *z'man tefilla* is coming soon?

Answer: This question is not found in classical sources, but there is much to learn from similar cases that are discussed.

Rashi (Sukka 38b) says that one who is in the midst of *Shemoneh Esrei* when the *tzibbur* is up to *Kedusha* or *Kaddish* should listen without speech to them and thereby fulfill the *mitzvot* of answering these passages. Tosafot (Berachot 21b) forbids this since listening to fulfill these *mitzvot* is equivalent to reciting them, which is forbidden during *Shemoneh Esrei* (Shulchan Aruch, Orach Chayim 104:6). The Shulchan Aruch (ibid.) rules like Rashi, that one may listen. Thus, we seem to assume that listening to things during *Shemoneh Esrei* is not a fundamental problem, and listening to *laining* is ostensibly the same.

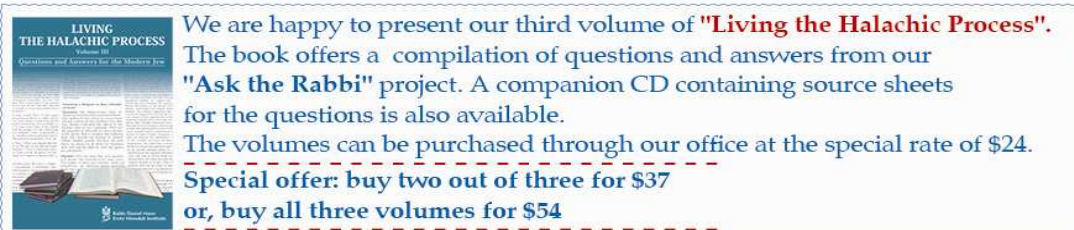
Arguably, listening is more justifiable for *laining*. Perhaps, Tosafot objects to listening only to things like *Kedusha*, which needs to count like speaking in order to fulfill the *mitzva*. For *laining*, listening alone suffices, and it should thus not be equated to speaking (Az Nidberu XIV:29; see Lev Avraham (Weinfeld) I:26). Indeed, Az Nidberu allowed a *yeshiva* in which many *talmidim* took a very long time for *Shemoneh Esrei* to continue their practice of stopping to listen to *laining*.

On the other hand, there are several reasons against listening to *laining* during *Shemoneh Esrei*. First, the need to listen to *Kaddish* and *Kedusha* may be more pressing than to *laining*, as there are serious opinions that the obligation of Torah reading is on the *tzibbur*, not the individual (see Ran, Megilla 3a of Rif's pages; Yabia Omer VIII, OC 54). Indeed, the Shulchan Aruch (OC 146:2) cites some opinions that exempt individuals from listening to *laining* in various circumstances. While not discussed in that context, a desire to not take a long pause in *Shemoneh Esrei* is at least as important a reason not to listen to the *laining*.

Why do we interrupt *Shemoneh Esrei* even for *Kaddish* and *Kedusha*, considering that "one who is occupied with a *mitzva* is exempt from another *mitzva*" (Sukka 26a)? Teshuvot V'hanhagot (II:70) says that divorcing oneself from the praise of Hashem going on around him is like disgracing Him; he posits that this logic does not apply to not listening to *laining*. Lev Avraham (ibid.) suggest that since *Kaddish* and *Kedusha* are also forms of *tefilla*, the *mitzva* of *Shemoneh Esrei* does not "knock off" its "brother *mitzva*." Another distinction is based on the halacha that we do stop *mitzva* #1 to perform *mitzva* #2 when it is not difficult to do so (see Rama, OC 38:8). Arguably, stopping for the shorter, less confusing *Kedusha* and *Kaddish* is easier than for a series of *aliyot* of *laining*. Finally, since part of the reason to rule like Rashi regarding *Kedusha* is *minhag* (see Tosafot ibid.; Be'ur Halacha to OC 104:7), the *minhag* might not exist for *laining*.

In summary, it is not forbidden to listen to *laining* during *Shemoneh Esrei* (compare to Yabia Omer VII, OC 12), but it is likely inadvisable (see Halichot Shlomo, Tefilla 12:4). There are different accounts of the practices of important *rabbanim* (see Dirshu notes 104:36; Ishei Yisrael 32:(56)), but probably a lot has to do with the halachic common sense of the circumstances (see Az Nidberu ibid.). Being very late to *tefilla* may be different from *davening* much slower than one's surroundings (although the latter is not always a good idea) and in the former case, perhaps one does not deserve to fulfill *laining* in such a strange manner.

In any case, if listening means finishing *Shemoneh Esrei* after *sof z'man tefilla*, one should continue *davening*. While otherwise it is more appropriate to listen to *laining* during *Psukei D'zimra* and even *Kri'at Shema* (see Mishna Berura 66:26), this should not be at the expense of *z'man tefilla* (Ishei Yisrael 13:9). Skipping parts of *Psukei D'zimra* would be preferable, though, to missing *laining* (see Shulchan Aruch, OC 52:1).



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Ein Ayah

(from the writings of Harav Avraham Yitzchak Hakohen Kook, z.t.l)

Death for One's Personal and Collective Perspectives

(condensed from Ein Ayah, Shabbat 2:54)

Gemara: [King David asked to know when he would die and was refused.] "Let me know how lacking I am" (Tehillim 39:5). Hashem told him: "You will die on Shabbat."

Ein Ayah: There is a certain effect that the ceasing of an individual's actions has on the collective. In general, everyone has some influence on the group of people who are close to him. Even if that is a small group, the influence spreads by ripple effect, as people within that group have an impact upon others who are outside the original group. Certainly, the greater a person, the wider his influence will be felt. The influence of King David, as an individual, had a far-reaching but set impact that they were to have.

It is theoretically possible to know when a person would complete the allotted impact he was to have, although it would require Divine Inspiration to be able to know. However, it is impossible to know when the collective influences end and thus to know when the reason for the person to continue living will cease.

This situation is analogous to giving someone specific information that lacks significance because more general information is missing. For example, it means little to know what day of the month something will happen if one does not know the month or the year. In our context, it is possible to know when the person has completed his task from an individual perspective, but that does not provide a full picture because there are many things on the collective level that are impacted by the person as long as he is alive. These matters can remain important to the collective and the way they need to carry on their collective life in a way that they are impacted by the important individual. That is why Hashem was willing to tell David when he would die, from a specific perspective (i.e., the day of the week – Shabbat), without completing the picture clearly from a more general perspective by saying when that day would end up occurring.

This teaches an important lesson. A person's individuality is never lost within the greater picture of the collective, as we see in the case of David. David's value was connected to the service of *Klal Yisrael*, and thus he was an individual who was as connected as possible to the collective. Death is a positive development from the personal perspective of the righteous person, who receives a rest full of reward. On the other hand, his death is a cause of despair and pain for the circles he leaves behind.

If his individual interests would have to give way to the needs of the collective, David should not have died on Shabbat, because the nation was to be thereby pained at an inappropriate time. However, this is not what Hashem prescribed. To the contrary, the person's individuality remains, just that this power impacts on the collective. At the end of David's life, it was his individual side that was prominent, which shows that for eternity the individual concerns will continue on, with all their impact on eternal moral completeness. To reinforce this message, David, the King of Israel who will rule eternally, was told that he too would die on Shabbat to show the importance of the positive rest that his death would bring him as an individual.

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Returning Ribbit With Devalued Currency

(based on Shut Chatam Sofer, Choshen Mishpat 62)

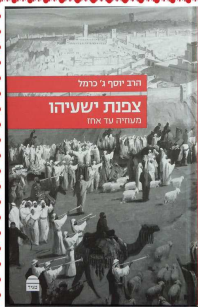
Case: One of my best students asked about the situation in which, in his youth, he would lend money with interest by using a *heter iska* (a rabbinical device that structures an ostensible loan into a permitted investment), according to the ruling he received from a *rav*. After studying the issues involved in *Shas* and *poskim*, he has decided to return the interest to the borrowers. In our country, the bank notes have been devalued, and the government has required people to pay a larger sum of money than their original loans' face value to the point that they return the same value of the original loan (Ed. note – we would call this linked to the inflation rate). However, my student does not have enough money to return the *ribbit* (interest) according to the increased amount.

Ruling: According to Torah law, one pays a loan according to the original face value and does not adjust it for inflation. This is the case even when the currency is locally disqualified, as long as he can take the money to a place where he can use it (Bava Kama 97b, Shulchan Aruch, Choshen Mishpat 74). The matter is all the more clear when the currency is still valid, just that it is not as valuable as it once was.

The only question is whether one has to apply the rule of *dina d'malchuta dina* (the law of the kingdom is binding). On this point, we still say as follows. To the extent that we follow the law of the land, there is no obligation to return interest that one received legally. In fulfilling the Torah law of returning *ribbit*, one can do so according to Torah law, at the face value at which the interest was taken.

However, this is not a simple manner. If the Torah requires payment and *dina d'malchuta* determines what currency is valid, from a Torah perspective as well, then my student would not be paying properly. The fact that the Torah recognizes *dina d'malchuta* regarding currencies even in regard to Torah law appears clear from the fact that the *gemara* (ibid.) assumes that if a currency cannot be used for payment because of disqualification, it also cannot be used to redeem *ma'aser sheni*.

Nevertheless, my student is required to pay only the face value he received as *ribbit*. *Dina d'malchuta* is valid in regard to matters that are related to the operation of the kingdom, such as the use of its currency. Had the kingdom not made a decree in regard to payment of a devalued currency, the Torah law would have not required it, but once they did make a decree, we see it as a matter of their discretion, and halacha also requires additional payment. However, regarding the ability of one to repent and return *ribbit* he took, we have reason to be lenient to enable repentance. Since this type of payment is unusual, we assume that the kingdom did not mean to institute their rule in regard to a type of obligation that they do not recognize legally. Therefore, my student should pay only according to the face value without adjustment for inflation.



Tzofnat Yeshayahu- Rabbi Yosef Carmel

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