



HaRav Shaul Israeli zt"l
Founder and President

HEMDAT YAMIM

Parashat HaShavua

Beshalach, 13 Shvat 5776

Song of the Deciders of World History

Harav Shaul Yisraeli – based on Siach Shaul, p. 224-5

When Hashem saved the Israelites and killed the Egyptians with great miracles at *Yam Suf*, the angels wanted to sing His praises. Hashem said to them: "The works of My Hand are drowning in the sea, and you are saying praises before Me?!" (Sanhedrin 39b). This is what Hashem said to the angels, whereas Bnei Yisrael were allowed and praised for singing to Hashem. What is the difference between them?

The standard answer is that Bnei Yisrael were directly involved in the miracle. However, that is not a complete answer. After all, *Chazal* tell us that the singing of *Az Yashir* was not just acceptable under the circumstances, but is that which set Hashem's throne in this world (Shemot Rabba 23:1). What made Bnei Yisrael's singing so appreciated?

There were two opposite and contrary worlds in creation before man was created: the world of *atzilut*, which was the realm of the angels, and the animalistic world of material, which we would call our world. When Hashem conferred with the angels before creating man, the angels protested: "What is man that you should consider him?" (Tehillim 8:5; Sanhedrin 38b). What bothered them was that man is comprised of the two opposites within his being. Why should there be such confusion and difficulty within one being?

In Hashem's kindness, He gave man something of Him – not only by creating us in "His form" (Bereishit 1:27), however exactly we understand that, but by making us capable of performing creation (Sanhedrin 65b). This happens specifically because we come from both worlds and by acting in accordance with one or the other, we push in the direction of one of them. While the two elements can live separate from each other without confrontation, in man there is constant war between the worlds, one which sets a tone in the universe. When there is an increase in spirituality, there is also an increase in its opposition, as *Chazal* say: "the greater the person, the greater is his evil inclination" (Sukka 52a). If within man's essence sanctity reigns, outside him there will be greater opposition containing impurity. Eventually the tension will lead to a conclusive struggle, as we will find the judgment at the Mountain of Eisav at the end of days (see Ovadia 1:21).

The angels cannot conquer the world of materialism because they do not have contact with it. Man can. Bnei Yisrael demonstrated self-sacrifice when they followed the instructions (Shemot 14:15) to march into the sea. It is true that the Egyptians followed them in, but that was not through the self-sacrifice that motivated Bnei Yisrael. The major step that Bnei Yisrael took was a choice of good over evil in a special historic manner, one which impacted the whole of history, and in that way set Hashem's throne.

At that time, it was appropriate for man to sing about the miracle and its impact on history. This was one that was very human in its scope, not one that related to the world and the song of the angels.

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Ask the Rabbi

by Rav Daniel Mann

Waiting Between the *Beracha* and the *Kri'at Hatorah*

Question: In my *shul* (I am the *rav*), it is often too noisy to start *laining* right after the *beracha*. (How long/) may we delay the beginning of the *aliya*?

Answer: We must investigate different distinctions in the laws of *hefsek*. (Realize that many sources equate talking between a *beracha* and the food it goes on to talking between a *beracha* and the *mitzva* it goes on.) 1) Speaking is a more problematic break than silence. For example, a single word is a *hefsek*, while the time it takes to say a single word is not (Mishna Berura 206:12). 2) The most sensitive time is between the *beracha* and the start of the matter to which it pertains. For example, if one speaks a *pasuk* or more into an *aliya*, he does not have to make a new *beracha* (Shulchan Aruch, Orach Chayim 140:2). If he spoke inappropriately in between the *beracha* and the beginning of the *laining*, he would have to repeat it (Mishna Berura 140:6). 3) A break that serves a purpose for that which the *beracha* relates to (e.g., one who asks for salt between the *beracha* on bread and eating it) does not necessitate repeating the *beracha* (Shulchan Aruch, OC 167:6).

In your question, waiting silently before the beginning of the *aliya*, there are two factors for leniency (silence, for a good reason) and one of stringency (before beginning the *aliya*). Let us consider the extent of the leniencies.

The Beit Yosef (OC 206) cites a Shibolei Haleket who says, based on his understanding of a Yerushalmi, that if one pauses between the *beracha* and its subject (regarding food and *mitzvot*), for more than *k'dei dibbur* (1-2 seconds), he must repeat the *beracha*. However, the Magen Avraham (206:3) *paskens* against this, at least regarding after the fact (i.e., not repeating the *beracha*), citing the following discussion in the Beit Yosef (OC 140). On Chanuka/Rosh Chodesh they opened the wrong Torah first and had to roll it to the right place (from Naso to Pinchas) after the opening *beracha*. Some argued that they should have made another *beracha* for two reasons: 1. The delay for rolling was too long. 2. The *beracha* was made with an intention for the wrong place. The Avudraham rejects reason #1 because a break of silence does not disqualify, and the Beit Yosef seems to agree. Regarding reason #2, the Beit Yosef is unsure (he cites both opinions in the Shulchan Aruch (OC 140:3)). Regarding #1, some learn from the fact we do not cut loaves of bread until after the *beracha* (Berachot 39b) that a moderate delay is not a problem (unless people took their mind off the fact the *beracha* was made (Mishna Berura 206:12)).

The Rama (206:3) does say not to wait more than *k'dei dibbur* between a *beracha* and the food. This is even for waiting silently but, on the other hand, this is only to be avoided *l'chatchila* – the wait does not necessitate repeating the *beracha* (see Mishna Berura 206:12; Mor Va'aholot OC 1).

The Rama (OC 167:6) says that one should avoid where possible talking even for a purpose related to the subject of the *beracha*. We see from the above discussion that according to the Shibolei Leket, a silent break is a problem even if one is involved in getting the *mitzva* done (e.g., rolling the *sefer Torah*). (Apparently, this is talking about time beyond normal transition time, as regarding *laining* and *shofar*, for example, it is very common to take a few seconds to find the right word or place the *shofar* at the right spot.) It is unclear if according to those who accept the Shibolei Leket only *l'chatchila*, we should avoid a silent break when the silence plays a productive role.

We summarize as follows. It is certainly preferable to wait for quiet before the *berachot* and if there is only a slight disturbance, to read at least one *pasuk* before stopping. If one is going to stop, it is best for it to be less than the amount of time to recite the *birkat Hatorah* (see Ritva, Megilla 21b) or at least the amount of time it takes to read the first three *p'sukim* (see discussion in Mor Va'aholot *ibid*). However, if the need to wait is acute, even a moderate break can be justified.



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Ein Ayah

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

The Basis to Accepting the Oral Law

(condensed from Ein Ayah, Shabbat 2:139)

Gemara: [We continue with the story of the non-Jew who wanted to convert but only believed in the Written Law and not the Oral Law and was rejected by Shammai. Hillel converted him and then took upon himself to teach the convert to accept the Oral Law.] The first day he taught him the letters *aleph*, *bet*, *gimmel*, *dalet*. The next day he switched the order. The convert asked: "That is not what you taught me yesterday!" Hillel said: "Isn't it so that you trusted me? Trust me also regarding the Oral Law."

Ein Ayah: The main reason for those who try to destroy the holy covenant surrounding the Oral Law is that they are blind to the absolute dependence of the Written Law on the Oral Law. Since they do not realize its importance, they do not see the truth of its transmission to Bnei Yisrael. If someone realizes that it is impossible to not have an Oral Law, then he is not susceptible to the mistake of doubting it. It would be folly to leave behind the traditions passed on through our fathers to make up our own system of scholarship.

This is why Hillel impressed upon the convert the critical need for a reliable tradition from previous generations, which is accepted by the nation as a whole. If you do not accept the tradition regarding something as basic as the letters of the alphabet, no one will be able to read and approach the Written Law. With the need for such traditions, it must be that, in general, tradition is needed to know how to arrive at Torah rulings, and one must not question the foundation of Oral Law.

Since nature requires that there be a known tradition, whoever denies it, denies nature. There must be some sort of connection that links generations. Even those who initially denied the tradition found themselves with so many doubts until they were forced to eventually accept tradition. That is why we apply to them the *pasuk*, "They left the source of fresh water (i.e., the reliable tradition within the community of Bnei Yisrael) to quarry for themselves broken water pits (i.e., alternative traditions)" (see Yirmiya 2;13).

The comparison between the Oral Law and the alphabet is very appropriate. Whichever version of the names of the alphabet one would choose, one cannot learn how to read without being exposed to a tradition that teaches the rules. The originally presented tradition is the authentic one. Once a person understands this, he will understand that there is no real alternative. Hashem must have given the Written Law along with a tradition. A person will find within himself to accept it, as Hillel urged the convert to do.

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P'ninat Mishpat

Appraising Relatives

(based on Shut Noda B'Yehuda I, Choshen Mishpat 21)

Case: In our community (the rabbi is asking), the *minhag* has been to have appraisers (who determine the amount that members of the community must give towards taxes, communal expenses, and/or charity) do the appraisal of everyone in the community, including their relatives. This is especially necessary because most of the people in the community have relatives within it. There was a meeting recently to choose new appraisers, and people agreed to the old system, but once the identity of the appraisers was determined based on lots, some people complained about the system. Do they have a right to do so?

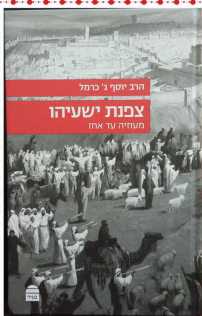
Ruling: Even if there were not an established *minhag* to have appraisers of this type, since people were present when the decision was taken, they cannot back out. This is true even if no act of *kinyan* was done to finalize the agreement because something that was done in the presence of the seven lay leaders of the city is binding even without a *kinyan*.

The only question is if some of the people who are complaining were not present when the decision was made. It is possible that the seven leaders cannot make a decision that gives to one person at the expense of another without all present. However, in this case it does not make a difference since we are talking about a set *minhag* (its occurring three times suffices). In such a case, an individual cannot undo the practice, especially when the issue at hand is taxes, in which case we follow even bad *minhagim*.

In this case, the one complaining wants that the appraisers should be permitted to appraise only people who are not related to them. They should realize that this idea will not solve the problem anyway, as in matters of apportioning responsibility, all members of the community have an interest in the decisions. After all, if one raises the demands on people who are not their relatives, it makes it possible to take less money from one's relatives and oneself. If one wants to totally reject the *minhag* and have appraisers who conform to the normal halachic requirements of impartiality, then it would only be possible to have people from outside the city with no relatives in the city do it. However, this is impossible to arrange for all intents and purposes.

It is true that the more common *minhag* is indeed that the appraisers appraise only those who are not related to them. However, that is not the halacha but based on *minhag*. When the *minhag* is different, as in your community, an individual has no right to complain about it.

Please realize that I usually do not state my opinion on matters affecting other communities and am doing so only because you are here to ask me several questions, and I promised you that I would answer what I can. Also be aware that if the government has any qualms with the system that is being employed, you must follow what they say. I just give permission to show my letter to the government and the likelihood is that they will agree that you follow what the Torah has to say on the matter.



Tzofnat Yeshayahu- Rabbi Yosef Carmel

The Prophet Yeshayahu performed in one of the most stormy and dramatic periods of the Israeli nation's life, a period of anticipation for the Messiah that was broken by a terrible earthquake, and also caused a spiritual and political upheaval. The light at the end of the tunnel shone again only in the days of Chizkiyah.

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