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HEMDAT YAMIM

Parashat HaShavua

Ki Tisa, 20 Adar 5777

Momentum Changer

Rav Daniel Mann

Purim, with its central *mitzva* of reading Megillat Esther, finds us in the midst of our preparations to read Parashat Ki Tisa. This prompts me to look for overlapping themes.

I have always been fascinated by the Jewish people's change in fortune with Mordechai and Esther's ascendance to prominence and the fall of Haman. Despite Achashveirosh's sudden good will toward the Jews, he presented Mordechai and Esther with a frightening refusal. He claimed that he was incapable of rescinding his/Haman's orders to have the Jews killed. He just allowed them to write new letters – that do not contradict the first ones (see Malbim, Esther 8:8). The letter that Mordechai sent simply allowed the Jews to actively defend themselves. It did not even command local officials to side with them (Esther 8:11), as indeed they had been told previously to take part in the murder. Why should we think that the Jews would have the upper hand in the fighting that transpired?

A similar question can be raised regarding our *parasha*. The sinners of the golden calf were not only involved in theological sins but in murder as well (see Rashi, Shemot 32:6). Although Moshe returned and opposed their actions, we see that several times in the desert groups stood up to Moshe's leadership very strongly. This should be all the more so when Moshe decreed that the sinners were liable to be executed. Why didn't the sinners fight and perhaps defeat or at least kill many Leviim, who took up Moshe's call?

These questions can be answered together, both on a practical, natural level and on a more spiritual level. Each approach in each case can be summed up in one word – momentum. In Esther's times, the enemies of the Jews felt empowered, and at first they were. They had governmental support. The Jews were not able to organize themselves to defend themselves and certainly would not have been aided by the government in their efforts. Under Aharon's guard, the sinners were swarming. They killed Chur and other key people were too afraid to defy them. When Mordechai and Moshe, respectively, appeared and exerted their authority, the defensively-minded and defenseless-feeling suddenly felt that they could succeed. They had leadership; they developed a "swagger." Their enemies' leadership buckled with the lost feeling of immunity and lost their momentum.

On a spiritual level, there seems to be a similar concept of momentum, taught to us by an unlikely source – Zeresh the wife of Haman, whose thesis appears to be confirmed by the *Megilla*. "If Mordechai is from the offspring of the Jews, once you have begun to fall before him, you will not be able to stop him" (Esther 6:13). There are watershed moments in our history. There was a decree of hardship upon us. We repented, and the Divine grace returned to our side. At those points, it emerged that our efforts would be successful.

What is difficult to know is when and how far this idea of spiritual momentum will carry us. Bar Kochva, after all, was successful – for a while. The Hasmoneans were successful, but only to an extent, and their success also waned over time. Being able to predict the extent and staying power of the historical momentum of Divine Assistance is also something that requires Divine Assistance.

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Ask the Rabbi

by Rav Daniel Mann

Dividing Megillat Esther Among Readers

Question: Is it proper to divide the reading of *Megillat Esther* among multiple *baalei kri'ah*?

Answer: It depends what you mean by "proper," as we will explain.

The *gemara's* (Megilla 21a-b) discussion of multiple *ba'alei kri'ah* refers to their reading at the same time, which is valid (Shulchan Aruch, Orach Chayim 290:2) although rarely done. The Magen Avraham (292:2) is the first major *posek* to discuss dividing the *Megilla* by sections, presenting it as a *ba'al korei* losing his voice in the middle. As the question is not discussed in the *gemara* or *Rishonim*, early *Acharonim* compare it to parallel areas of halacha. The Magen Avraham compares it to one who had to stop in the middle of *haftara* reading, where the replacement must return to the beginning (Shulchan Aruch, OC 284:5) and repeat the *beracha* (Magen Avraham 284:4). He says that while for *Megillat Esther* too the second *ba'al korei* returns to the beginning, he does not recite the *beracha* again because the first *ba'al korei's* *beracha* was said for everybody, as we find regarding a switch in shofar blowing (Shulchan Aruch, OC 585:3). Indeed, regarding the *beracha*, the Rama (OC 692:2) says that one is allowed to make the *beracha* on *Megilla* reading for the reading of another.

The great majority of *Acharonim* say that the second reader does not need to return to the beginning of *Megillat Esther*. The Eliya Rabba (692:3) and Shvut Yaakov (I:42) agree with the comparison to shofar blowing but apply it the whole way. Just as regarding shofar, the first person's blasts do not need to be repeated (Shulchan Aruch, OC 583:40), so too the *p'sukim* of the *Megilla* do not need repeating. The reason Torah reading needs to be repeated (Yerushalmi, Berachot 5:3) is that the whole reading needs to be linked to the opening and ending *berachot*. This makes it a problem when the first one made only the opening *beracha* and the second one only the concluding *beracha* (see Tur, OC 140). The Eliya Rabba says that *Megillat Esther* is different in that the ending *beracha* is not strictly related to the reading and in that the *aliya* for Torah reading is made by the *oleh* for the *oleh*, whereas the *beracha* for *Megillat Esther* is on behalf of everyone. Therefore, anyone can continue *Megillat Esther* where the first left off based on his *beracha*. The Shvut Yaakov says that the first reason is not universally accepted, but agrees with the second one.

It seems that according to the Magen Avraham, it is a major problem to break up the *Megilla* reading (Mikraei Kodesh (Harari) 7:(91) says otherwise in the name of Rav M. Eliyahu). According to the others, who rule you do not need to repeat, is it proper to divide the reading *l'chatchila*? Remember that the *poskim* describe the situation of a *ba'al korei* losing his voice, which may indicate that otherwise we would not allow the division. The alternative explanation is that it was just not common practice, but no halacha precludes the division even *l'chatchila*. The Shvut Yaakov and others who cite him prominently (including Shaarei Teshuva 692:2 and Kaf Hachayim 692:11) say that we do not go back to the beginning due to *tircha d'tzibbura*, but if the community does not care or only a few *psukim* were read, we would return to the beginning. Thus, it sounds like most *poskim* do not like the set-up *l'chatchila*.

Thus, I submit that a "purist" *minyan* would not agree to divide the *Megilla* reading. In addition to deference to the Magen Avraham and others, it is probably also more *kavod* for the *mitzva* to have one person do it. Due to the *mitzva's* prominence, it also makes sense to have the best available *ba'al korei* do the whole thing. However, not all situations lend themselves to purist approaches. These include places where it is difficult for anyone to learn the whole *Megilla* well and communities in which the importance of involving as many people (especially, young ones) as possible is part of the shul's DNA. This is a local rabbi's call. (Since the ten-chapter breakup is non-Jewish, it is distasteful at best to break it up exactly in that way).



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Ein Ayah

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

The Fruitfulness of Investigation – When Necessary

(condensed from Ein Ayah, Shabbat 4:7)

Gemara: [According to one opinion in the *gemara*, the number of thirty-nine categories of forbidden work on Shabbat corresponds to the thirty-nine times the root appears in the Torah in the forms of “*melacha*,” “*melachto*,” and “*melechet*.”] Rav Yosef asked: Is [the *pasuk* regarding Yosef], “He came home to do his work (*melachto*)” (Bereishit 39:11) part of the count? Abaye responded: Let us bring a *sefer Torah* and count. Didn’t Rabba bar bar Chana say in the name of Rabbi Yochanan: They did not move from there until they brought a *sefer Torah* and counted them.

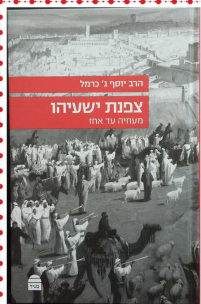
Ein Ayah: There are three ways to solve a doubt: *kabbala* (tradition), *mechkar* (investigation or analysis), and *nisayon* (experience or experimentation). In a case in which *nisayon* cannot clarify the matter, *mechkar* can come to help and spread beams of light in the matter, either close or far, as appropriate for the specific topic. In a case in which *mechkar* also cannot bring us to our desired destination, a reliable tradition will appear for those who deserve the answer and will give them the happiness of uncovering that which is hidden.

However, Heaven forbid for us to use hidden powers when we have the ability to uncover the information with “revealed” means. Therefore, we will not try to investigate the matter through philosophical investigation when there is a way of clarifying it through a simple factual check. We learn as well that one should not desist from investigating that which we are capable of investigating. Very often when Hashem gives us the ability to arrive at an attainment by one means, he does not enable reaching that goal with another means.

The questions that we have about matters of Torah are very important, both in regard to the knowledge that we seek and in regard to the fact that it makes us toil hard to answer the questions. Therefore, we should be careful not to think that since the search for answers itself has value, there is no reason to look for easy answers such as with *nisayon* but we should anyway concentrate on the hard work of logical analysis. This is one side of the argument. Others might say that since the idea of belief in the words of the sages is important, we should prefer that the answer come through tradition.

Neither of these approaches is correct. Actually, only when we do not have access to truth through *nisayon* is it fruitful to work hard to look for an answer “from far away.” Then we will know that the toil is important and that there must be a divine secret for why this toil was saved for a certain person at a certain time in history. However, when there is a more direct way, it is not a case where Hashem gave inspiration from the process of using logic to try to solve the problem, as the person is just being too lazy to check the matter directly. Then, if someone will try to use *mechkar* to decide the matter, he will not succeed, and any intellectual “branches” of the process will not be “planted on the waters of the true Torah.” Since the mind is always working, it is not good to delay the matter, but one should clarify it as appropriate.

In our case, *nisayon* dictates that a *sefer Torah* should be brought in order to count and one should not say that there is no time now for such a tedious job but that in the meantime one should decide based on *mechkar*. That is why it says that they did not move from there before they checked. This shows the beloved status that brought about the technical clarification, so that no one should over-intellectualize on matters that are not meant for such a decision. “The sayings of Hashem are pure sayings ...” (Tehillim, 12:7).



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.

"Tzofnat Yeshayahu – from Uziya to Ahaz" introduces us to three kings who stood at this crossroad in our nation's history: Uziya, a king who sought God but was stricken with leprosy because of his sin; Yotam, the most righteous king in the history of our people; And Ahaz, the king who knew God but did not believe in His providence.

In his commentary on the prophecies of Yeshayahu, Rabbi Yosef Carmel, Head of the Eretz Hemdah-Gazit rabbinical court and a disciple of Rabbi Shaul Israeli zt"l, clings to the words of Hazal, our sages, and to the commentaries of the Rishonim, the great Jewish scholars of the middle ages, and offers a fascinating way to study Tanach. This reading attempts to explain the Divine Plan in this difficult period and to clarify fundamental issues in faith. Tzofnat Yeshayahu reveals to the reader the meaning of the prophecies in the context of the prophet's generation and their relevance to our generation.

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Who Is Responsible for Municipal Tax When? – part I

(based on ruling 74018 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The plaintiff (=pl) is an organization that rented property from Aug. 2004, with renewed contracts, until July 2010. In July 2008, the defendant (=def), another organization, sublet the property until the end of pl's contract in 2010. Subsequently, def rented the property from the owner independently without a contract. In July 2011, def signed a contract but the *arnona* (municipal tax) account was still in pl's name until Jan. 2012. The entire time, *arnona* was not paid, which caused a huge debt (974,632 shekels from Jan. 2007-Jan. 2012) which included inflation adjustments and interest. The lawyer pl hired to negotiate a payment plan with reduced penalties and tax breaks for their being NPOs, lowered the debt to 700,000, and *arnona going forward* was lowered due to def's NPO work. Pl and def, which both benefitted from his work, disagree how to split up his 60,000 shekel fee. Pl wants it and the balance of the *arnona* debt to be paid according to the amount of time each used the property, i.e., pl – Jan. 2007-June 2008 (period A) = 30%; def – July 2008-Jan. 2012 = 70%.) They argue that the fact that def preferred to keep things in pl's name (contract, *arnona* account) should not harm pl. Def is willing to pay in full from July 2010 to July 2011 (period C) because they were full renters at that point. However, regarding the time they were sub-letters (period B), they should pay only according to the rate they are paying now because it was pl's obligation to transfer the account to def, who could have received a bargain price. So too, in period D, when there was a contract between def and the owners, pl could have removed themselves without def's help and the fact that pl was charged at a high rate was their own problem.

Ruling: The first question is who is the principle body obligated in *arnona* – the one in whose name the property is (i.e., pl) or the one who actually uses it (i.e., def). According to par. 326 of the Rules of Municipalities, once there is a transfer, including renting, the parties are supposed to inform the municipality and until they do, the previous possessor is responsible for payment. The implication is that pl's being held responsible is procedural, but in essence, the one who is using the property and is thus benefitting from municipal services, is obligated. Thus, def is primarily responsible for period B-D. This is strengthened by the fact that def signed a memorandum in July 2008 accepting upon themselves payment of *arnona*.

Def agrees to being obligated in the base *arnona* but claim that they deserve to benefit retroactively from the eventual reduction in payment. We do not accept this argument. Def agreed to have pl in charge of working out the payment of *arnona* while def did not have a contract and were aware of what pl had and had not achieved. They, thus, knew what they would be paying and agreed to it with their silence.

Next week we will deal with other possible reasons to reduce def's obligation.

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