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HEMDAT YAMIM

Parashat HaShavua

Acharei Mot Kedoshim, 10 Iyar 5777

From Kriat Yam Suf to Yom Ha'atzma'ut

Harav Yosef Carmel

In these days after the seventh day of Pesach and around the time of the declaration of the State, we will try to explain the connection between two national historical events – “*Brit Bein Hab'tarim*” (covenant with Avram) and *Kriat Yam Suf* (splitting of the sea). David Hamelech describes *Kriat Yam Suf* in *Hallel Hagadol* as “to cut (*gozer*) the sea into strips (*gezarim*), forever is His kindness” (Tehillim 136:13). The use of the word “**gozer**” brings us to a new understanding of that event. The root of the splitting of the sea starts at the historical event of *Brit Bein Hab'tarim*. There the Torah used the word “**Bein Hagezarim**” (Bereishit 15:17) to describe the covenant with Avram.

If we look closer at the *p'sukim*, we find striking parallels between the descriptions of the two events. They both include fire/smoke and are events that took place during the entire night until dawn.

In order to understand the connection between these two events and its deeper lesson, let us first examine the *Brit Bein Hab'tarim* that took place in Chevron at the height of Avraham Avinu's “first Aliya” (Bereishit 13:14-17). There are two distinct elements.

- 1) The blessing regarding his progeny. Hashem promises Avram that he will have an abundance of progeny – “like the stars.” To this the Torah (ibid. 15:6) praises Avram, stating that he believed in Hashem and it was considered “*tzedaka*.”
- 2) The covenant regarding the Land of Israel. Hashem promised Avram that He would give him the Land as an inheritance. Avram replied by asking: “How will I know that I will inherit it?” This answer needs further study (See Rashi, Ibn Ezra, Radak and other commentators, who grappled with this idea).

Then Hashem commanded Avram to take three calves, three rams, a turtledove and a common dove and split them down the middle. With the fall of night, Avram had a terrible vision, “a great darkness enveloping him.” Here Avram received the prophecy that his children will be enslaved for 400 years in a foreign land. (This topic will be further explored in my next book, *Tzofnat Shmuel and the Kingdom of King David*)

But how is this prophecy reconciled with the historical events later described in the Torah? Weren't Bnei Yisrael enslaved for only 210 years? Why in Shemot does the Torah relate that they were in Egypt for 430 years? *Chazal*, and Rashi in their footsteps, explained that the 400 years was from the time of Yitzchak's birth and the 430 years was from the time of the *Brit Bein Hab'tarim*. What is the deeper meaning behind all of this?

Let us add that throughout the ages there were long periods when Egypt ruled over Israel. Even the rulers of the cities in Israel were not independent; they were vassals of the Egyptian Pharaohs. Evidence of Egyptian rule in Israel from the period of the forefathers and later have been uncovered by archeologists over the last hundred years. It should be noted that also during the War of Independence, the Egyptians reached the approaches of Jerusalem and the city of Ashdod.

Specifically during this time we remember the greatness of Hashem, even if there are times when we feel “a dread of darkness upon us.” Next week we will continue to explain the topic at hand and how it all connects to Yom Ha'atzma'ut!

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Those who fell in wars for our homeland. May Hashem avenge their blood!



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Deans: Harav Yosef Carmel, Harav Moshe Ehrenreich
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Ask the Rabbi

by Rav Daniel Mann

“Ba’omer” or “La’omer”?

Question: Which is the correct version of counting the *omer* – “... *yamim la’omer*” or “... *yamim ba’omer*”? Is there a content difference or only a grammatical one between them?

Answer: Let’s start with the simple background. *Omer* is the measurement of barley brought as a *korban* on the second day of Pesach, and it is the accepted rabbinic parlance to refer to the *korban*. The *mitzva* to count 49 days starts the day the *korban ha’omer* is offered (Vayikra 23:15). There is a *machloket* whether in our times, when there is no *korban ha’omer*, the *mitzva* of *sefirat ha’omer* is Torah law or Rabbinic (see Beit Yosef, Orach Chayim 489).

Ba’omer almost certainly means “within the period of the *omer*.” *La’omer* can be a different expression of the same thing, or it can mean “from the time of the offering of the *korban omer*.” The Taz (OC 489:3) assumed that the latter explanation of *la’omer* is correct and, therefore, rejects it in favor his community’s *minhag* and the Rama’s (OC 489:1) opinion – *ba’omer*. He argues that the first night *la’omer* would not make sense since the count precedes the *omer* offering. It follows, then, that the text throughout must be *ba’omer*. We present another indication that the *omer* represents a time period and not from the bringing of the *omer*. The *beracha* is “on the counting of the *omer*.” This makes sense if *omer* is a period of time, broken up into days and weeks, which we count. However, if it is a *korban* or the day one brings it, we do not count it, but from it. (To deflect the proof one would have to say that the *beracha* is a slight misnomer.)


The Chok Yaakov (489:9) demonstrates that the apparently most prevalent text in the time of the *Rishonim* was *la’omer*. He supports the text, saying that *la’omer* means from the day of the offering of the *omer* and argues that *ba’omer* does not work well because it implies that this is one of the days that the *omer* is brought, which is true only on the first day. As mentioned, proponents of *ba’omer* understand it differently.

The Beit Yaakov (23) and his father-in-law, whom he cites, understand both *la’omer* and *ba’omer* as going on the day within a time period. The question for them is which the more appropriate prepositional prefix is. We find, in a *get* and a *ketuba*, that the letter *lamed* is used for the day number within the month, and *bet* for the day number within the week. The Bach (Even Haezer 126) feels that the standard way of writing is with a *lamed* and gives a technical reason why *bet* is sometimes needed to avoid confusion. On the other hand, we find “Tisha B’av, Tu B’shevat, and Lag B’omer, for days within months, even when there is no concern of confusion.

Regarding practice, perhaps because the Arizal and Shelah join most *Rishonim* in promoting *la’omer*, Sephardim and Nusach Sephard (Chassidic *minhag*) say *la’omer*. Perhaps because the Gra joins the Rama to promote it, most followers of *Nusach Ashkenaz* say *ba’omer*. The Mishna Berura (489:8) does claim that most *poskim* say *la’omer*, and the Aruch Hashulchan (OC 489:9), while citing both texts, prefers *la’omer*. In practice, as well, many otherwise *Nusach Ashkenaz* people and *shuls* say *la’omer*. Everyone can and preferably should follow their family *minhag*.

Realize that the stakes are very low. Even if one leaves out the word entirely, the counting is valid (Mishna Berura 489:8), and it seems that even if the word were needed, both versions are similar enough to be valid. One’s preference is certainly not an excuse to recite out loud a different version than is accepted (if one is accepted) in a specific *shul* (see Igrot Moshe, OC II:23), all the more so the *chazan* or other who recites it for the rest of the community must conform to their *minhag*.

There are reports of *talmidei chachamim* who repeat(ed) the count to cover both versions. This is certainly not necessary and probably not preferable (it is not found in classical *poskim*). If one is constantly in the practice of covering all halachic bases, and wants to include this one, he should do so only unnoticeably.



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Ein Ayah

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

The Inherent Greatness and Innate Lacking of Miracles

(condensed from Ein Ayah, Shabbat 5:3)

Gemara: The Rabbis taught: It once happened that that a man's wife passed away and left him with a small baby who needed to be nursed. The man did not have any money to pay a wet nurse. A miracle occurred, and he grew breasts similar to a woman's and nursed his son". Rav Yosef said: See how great this man is that such a miracle occurred to him. Abaye said: The opposite is true. See how lacking this man is that the order of creation had to be changed for him"

Ein Ayah: When a person is singled out for a specific miracle that happens in his personal life (even though all miracles are still connected to the more general picture of the mission of the world), there is definitely a special reason for his being chosen. For only a person whose soul is connected to the *klal* (nation or broad society) and focused on others is worthy of having a miracle happen to him. This is because miracles highlight matters that apply to the *klal*. Only the betterment of the whole engenders a need to change the normal and constant order of things.

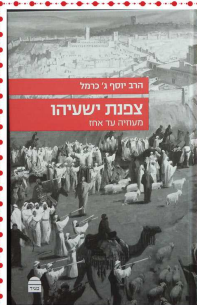
Nevertheless even with such a great soul, let us not forget that a love for nature that Hashem created, the orderliness and inner workings of the world order, is the foundation and basis for wisdom, and holiness within the physical realms and a straightness of the heart. Therefore the reality and occurrence of a miracle must relate to a certain lacking in a person, a part that in its essence was leaning towards everything against the wise and straight.

The elements of the person's lacking need to be rechanneled against their natural tendency, to be uplifted from the depths of their physical ailments to the honor and glory of that which is lofty. But this, in and of itself, represents a certain deficiency. For this shows that a person has not perfected his body and self but needs a change in the order of creation in order to be fully connected to the Heavenly kingdom.

The true greatness where there is no deficiency is when the heart returns to its natural purity and a person's pure soul will be in synergy with his body. At that point the ability to cleave to Hashem will be done through the natural order of nature. Therefore with all the greatness we feel towards miracles, we must remember that we must look at them in wonderment, but our love must be focused towards the natural order that Hashem created for us. And as much as we recognize the greatness of a person who experienced a miracle happen to him, we must realize the innate deficiency implied by this, that the natural order of creation had to be changed for him.

[That is the reason that there are different opinions as to whether the miracle showed the greatness or the deficiency of this widower/father. In fact, both elements are true in their own way.]

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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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Independent-Minded Architect – part I

(based on ruling 74039 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The plaintiff (=pl) hired the defendant (=def), an architect, to draw up plans to add a floor to his house and get municipal approval. Def gave an estimate of 9,500 shekels, based on 30 hours to accomplish the tasks and varied rates for different elements. They signed a contract along these lines, adding that the price can change according to the work needed. Def quickly exceeded the estimate, and pl initiated non-judicial arbitration. The arbitrator (=arb) made a compromise about the past, and made a set price (4,176 shekels) for all future work until pl would receive his permit. Def started a major new element of the job to help pl without consultation and charged him 12,180 shekels for it before the permit was received, even though def was not to charge more unless pl asked him to do extra work. Pl went back to arb, who approved 8,000 shekels of the charge. Matters with the municipality became more complicated, and def asked for more money to deal with it. When pl refused, def stopped working, and the municipality closed the file. As a result, pl fired def and demanded a refund with the claim that he had failed to get the permit and had made unreasonable financial demands. Def argues that pl's intervention in conferring with municipality officials undermined his efforts and that pl acknowledged that the if the need for work increased, he would deserve more.

Ruling: First, since no one questioned arb's authority, his rulings are binding on the sides.

It is necessary to determine pl's status as a worker. A *sachir* is paid by time, and a *kablan* is paid by the job, and differing *halachot* apply to them, including regarding cessation of employment. Regarding the period up to arb's decision, it is questionable what def's status was, but disagreements regarding that period were already resolved. After arb's ruling, when a set fee was made, def was certainly a *kablan*. Even though circumstances could determine that he would be paid beyond that amount, we view such a scenario as a determination that the job was more taxing than originally imagined.

If a *poel* backs out, he is paid according to the value of the work he did, arrived at as the percentage of the quoted price corresponding to the percentage of the work done. For a *kablan*, one chooses the lower from: 1) what he did; 2) subtracting the amount of money required to have the job finished from the quoted price (Shulchan Aruch, Choshen Mishpat 333:4). In this case, the latter would leave def very little pay. If the employer backs out, he has to pay the higher of the modes of calculation.

One can infer from the Rama (ad loc. 5) that if the employer backed out rightfully because of the worker's flaws, it is considered as if the employee backed out. In this case, there were two areas in which pl argued that def deserved to be fired: 1) his professional performance; 2) the propriety of his actions from a financial perspective. Regarding the former, all the *dayanim* agreed that pl did not prove his case and that pl's actions may have contributed to the problems. *Regarding the latter, we will see that the dayanim disagreed.*

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