



HaRav Shaul Israeli zt"l
Founder and President

HEMDAT YAMIM

Parashat HaShavua

Vaeira, 28 Tevet 5779

More about Devarim

Harav Yosef Carmel

When we read our *parasha* carefully, we can notice an important linguistic change. Whereas throughout this section of the Torah, Hashem's word is introduced with the word "vayomer," in the beginning of this *parasha* the word "vayedaber" is mentioned eleven times for His speech. Our *parasha* also describes three plagues with which Hashem afflicted Egypt, the middle one being *dever*, which shares the same Hebrew root as *vayedaber* and is also sometimes written as "davar." The common denominator between the three plagues in the *parasha* is that none of them included use of Moshe's staff.

We have proven in the past that it took multiple discussions for Hashem to convince Moshe to accept upon himself the leading role in orchestrating Israel's Exodus from Egypt. Apparently, the first encounter is presented in the beginning of our *parasha*, and a later encounter is actually presented earlier, in Shemot 3-4. A main difference between them is that originally Moshe was hoped to engineer the liberation based on the people's belief based on the Divine Word. This was later replaced by their belief by means of miracles performed with Moshe's staff. It would be only later that they would be able to change the leadership to one characterized by *dibbur* (see our book, Tzofnat Yeshayahu, pp. 198-209).

Prophecy is often referred to as *davar* (a matter) or *dibbur* (something which is spoken). The giving of the Torah as a whole is referred to as *devarim* ("These are the *devarim* that you will speak [*tedaber*] to Bnei Yisrael"- Shemot 19:6). The introduction to Moshe's major prophetic address to Bnei Yisrael is referred to as "These are the *devarim* that Moshe spoke (*diber*)" (Devarim 1:1). We find "The *davar* that Yeshayahu prophesied over Yehuda and Yerushalayim" (Yeshayahu 2:1). This is then also an indication that when the Torah says that Yaakov's reaction to Yosef's dream of his brothers and parents bowing down to him was that he "guarded over the *davar*" means that he treated the dreams as a prophecy for whose fulfillment he waited (see Ramban 42:6).

We can also now better understand David's answer to his older brother Eliav who was angry at David for coming to visit the encampment that was encountering the Plishtim. In it, David mentions the root *davar* several times (see Shmuel I, 17:28-30). The Midrash (Midrash Tanaim, Devarim 1:17) says that Yishai looked down on David because when he was younger he prophesied that he would grow up to destroy the places in which the Plishtim lived, kill a giant who is called Goliath, and build a *Beit Hamikdash*. While Yishai did not believe these were real prophecies, they actually were, and that is why David repeatedly used the word that hints at prophecy.

To return to where we began, our *parasha* uses the root *daber* to show that the upcoming liberation was intended to prepare Bnei Yisrael for the *devarim* at Sinai (see Shemot 19:6), which would turn our nation into "prophets and sons of prophets."

Hemdat Yamim is dedicated to the memory of:

Eretz Hemdah's beloved friends and Members of Eretz Hemdah's Amutah

| | | | | | | |
|--|--|---|--|--|---|--|
| Rav Shlomo Merzel z"l Iyar 10, 5771 | Rav Reuven Aberman z"l Tishrei 9, 5776 | Mr. Shmuel Shemesh z"l Sivan 17, 5774 | Rav Asher Wasserteil z"l, Kislev 9, 5769 | Mrs. Sara Wengrowsky bat R' Moshe Zev a"h, 10 Tamuz, 5774 | | |
| Hemdat Yamim is endowed by Les & Ethel Sutker of Chicago, Illinois. in loving memory of Max and Mary Sutker & Louis and Lillian Klein , z"l | | R' Yaakov ben Abraham & Aisha and Chana bat Yaish & Simcha Sebbag , z"l | Rav Yisrael Rozen z"l Cheshvan 13, 5778 | R' Ben Zion Grossman z"l, Tamuz 23, 5777 | R' Meir ben Yechezkel Shraga Brachfeld z"l | R' Eliyahu Carmel z"l Rav Carmel's father Iyar 8, 5776 |

Rav **Moshe Zvi (Milton) Polin** z"l Tammuz 19, 5778

Mrs. **Shirley Rothner**, **Sara Rivka bat Yaakov Tzvi HaCohen** z"l Tevet 15 5768
Rina Bat Yaakov Pushett a"h. Her smile and warmth are sorely missed

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



Eretz Hemdah

Deans: Harav Yosef Carmel, Harav Moshe Ehrenreich
2 Bruriya St. corner of Rav Chiya St.
POB 8178 Jerusalem 91080
Tel: 972-2-5371485 Fax: 972-2-5379626.
amutah number 580120780

American Friends

of Eretz Hemdah Institutions
c/o Olympian, 8 South Michigan Ave.,
Ste. 605, Chicago, IL 60603, USA
Our Taxpayer ID #: 36-4265359

www.erezhemdah.org info@erezhemdah.org

Donations are tax deductible according to section 46 of the Israeli tax code

Ask the Rabbi

by Rav Daniel Mann

Donating a Sefer Torah to a Shul

Question: People who own *sifrei Torah* often lend them to a *shul*. Is there any reason they cannot donate them (which can get them a tax credit)?

Answer: The 613th *mitzva* in the Torah is, "Write for you (plural) this song," which refers to the Torah (see the Rambam's formulation of *Chazal's* derivation – Sefer Torah 7:1). Not many people fulfill the *mitzva* of writing a *sefer Torah*, which is either very difficult and time-consuming (to do oneself) or expensive (to hire a *sofer*). There are two almost opposite justifications for why not. The Sha'agat Aryeh (36) and Chatam Sofer (Shut Orach Chayim 52) say that we anyway cannot assume that a *sefer Torah* will be valid since there are certain words that even *Chazal* were not sure how to spell. The Rosh (Sefer Torah 1) views the *mitzva* much less formalistically – the idea is to have text material for Torah study, and therefore having a good library of Torah *sefarim* is a better way to fulfill the *mitzva* than having a *sefer Torah* which is used "only" for *laining*. You are asking about someone who wants to fulfill the *mitzva* in the classical way but would prefer to give it to a *shul*, where it is used these days, rather than keep it in his home.

There is a *chakira* that is critical to answer your question. Is the *mitzva* to write a *sefer Torah* or to have a *sefer Torah*? The *pasuk* refers to writing, but maybe that is just the description of how one gets a *sefer Torah* (note that the Torah also says to write *mezuzot* on one's doorposts, yet we fulfill the *mitzva* not by writing one but by attaching the text).

Rava says that if one inherits a *sefer Torah*, he does not fulfill the *mitzva* and must write one anyway (Sanhedrin 21b). That sounds like the *mitzva* is to write. A different *gemara* (Menachot 30a) says that one who buys a *sefer Torah* is like one who "grabs a *mitzva* from the marketplace." Rashi says that this means that he fulfills the *mitzva* in a not optimal way. In contrast, the Rama (Yoreh Deah 270:1) says that one does not fulfill the *mitzva*. The Beit Halevi (1:6) reads the Rambam (*ibid.*) like the Rama, and explains that Rashi understands that the two *gemarot* above argue on each other.

Thus, there seem to be formidable opinions on both side of the *chakira*. Should we claim that if the *mitzva* is to write the *sefer Torah*, it does not make a difference what happens afterward? The *gemara* (Megilla 27a) says that it is forbidden to sell a *sefer Torah* (except under specific circumstances). However, the issue there is apparently not because it will leave one without a *sefer Torah* (Rashi *ad loc.* says the *gemara* is referring even to a case where he has another *sefer*), but rather that it is a disgrace to sell a *sefer Torah* (see Aruch Hashulchan, YD 270:14). Indeed, your idea of donating to a *shul* does not have that problem.

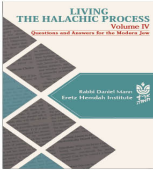
However, it is possible that the above *chakira* is one-sided. In other words, it is a question whether ownership is enough to fulfill the *mitzva*, as it might be necessary that one's *sefer Torah* is one that he wrote or was written on his behalf (see formulation of Sha'agat Aryeh 36). But, argues the Torat Chaim (Sanhedrin 21b), everyone agrees that if one no longer owns his former *sefer Torah*, including if he donated it to a *shul*, the *mitzva* to "write it" ceases to be fulfilled and he is obligated anew. On the other hand, the Pitchei Teshuva (YD 270:3), after citing this opinion, cites other opinions that even if one writes and then donates and perhaps even if he loses his *sefer Torah*, he has fulfilled the *mitzva*.

In summary, there is value to writing a *sefer Torah* even if one will then donate (preferably to a *shul* that can use it). If one can only afford doing so if he gets a tax break for a donation, this can be a good move. It is not clear, though, whether he will still be in fulfillment of the *mitzva* of writing a *sefer Torah*. If he will give it away, it is critical that he commissioned the writing (at least the end of the *sefer* – see Menachot 30a). After all, if he bought and then donated, he is lacking according to both sides of the *chakira*.

Do not hesitate to ask any question about Jewish life, Jewish tradition or Jewish law.

▶ **SEND NOW!**





We are happy to present our fourth volume of
"Living the Halachic Process".
The book offers a compilation of questions and answers
from our "Ask the Rabbi" project.
Sources for the answers can be downloaded
from our website.
Special price for Hemdat Yamim readers: \$20

Ein Ayah

[The gemara continues to look at Aramaic words, looking at similarities to other words.]

Surprising Source of Happiness

(condensed from Ein Ayah, Shabbat 8:25)

Gemara: *Shotita* (a myrtle branch, used in dancing before a bride and groom) is similar to *shetuta* (silliness).

Ein Ayah: Happiness in life, which is so good and critical for a person, cannot always come by taking a clear look at what is happening in the world. Sometimes what a person sees will make him disappointed and make him declare that everything is of fleeting value [as Shlomo bemoans in Kohelet]. Matters of eternal value, which are really what makes life worth living, such as wisdom and justice, and all the good that is hidden in the light of the Torah, do not always succeed in bringing happiness to a person's spirit. That is because a person is naturally coarse and sees a lot of the dark sides of nature.

How does one, especially a righteous person, overcome the tendency toward being morose and tap into the divinely desired state of happiness, despite all the problems? For that Hashem created *shetut* – silliness, lack of deep thought, and excitement of seeing the “shine” of something that makes people happy.

Even though these stimulants are fleeting, at the time they are used, they bring happiness and allow happiness to take root in the makeup of one's life. Then one can elevate his spirit and search for joy in matters that are permanent and eternal. This is especially true regarding the foundation of truth in the world, where happiness is connected to divine wisdom, in whose abode happiness dwells.

Shotita is a special myrtle that was set aside for bringing joy to a bride and groom, which is a type of joy that epitomizes the idea of happiness about life, despite the challenges that it brings. *Shetut* causes the inability to distinguish between matters in a way that allows happiness, and therefore it reaches a height that great human wisdom cannot.

Cleanliness of the Hands for All

(condensed from Ein Ayah, Shabbat 8:26)

Gemara: *Meshichla* (a big cup) represents the idea of *mashi kula* (all wash).

Ein Ayah: Cleanliness is always connected to purity and sanctity, whose purpose is connected to the internal element of the soul, as the *pasuk* says: “Your encampment shall be holy” (Devarim 23:15). The purity of the body and of the hands, which are external matters, lead one to the recognition of the purity of ideas and the good character of the heart, which brings one to involve himself in proper deeds with holy trepidation.

It is not only the uniquely pious among the nation who need to be clean. The entire community of Hashem elevate themselves to the level of one with a pure spirit. Each person should be involved in external activities that lead him to the proper internal characteristic.

Ritual washing of the hands is a matter of general importance. Whoever does not take the *mitzva* seriously deserves to be removed from the world (Sota 4b), whether he is rich or poor, whether he lives a life of luxury or a simple life. External purity has impact within the depth of the soul, and every internal matter of life is a legacy to all of humanity, just like air and sunlight belong to everyone. Indeed a large cup is something that reminds us of the washing of the masses.



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.

[Buy Now](#)

P'ninat Mishpat

Undelivered Windows – part III

(based on ruling 71007 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The plaintiffs (=pl) were building a house and ordered custom windows from the defendant (=def). They told him that it was crucial that they receive them by the end of August, as soon thereafter they would be moving in. Pl were to pay half the cost at the time of signing the order and half at installation. Pl worked on finishing the details of the order in late June. Def asked many detailed questions, many of which, pl argue, were irrelevant and impossible for them to answer themselves. By the time all of this was worked out, def claimed it was too late for the order to come in a manner that the work would be done in time. Def agreed to install temporary windows to enable pl to move in, but demanded additional money up front. Pl refused and spent 10,000 shekels on having someone else install temporary windows. Pl demand that def install the windows he is supposed to for the original price and subtract from the money due to him the money they spent on temporary windows. They argue that it was def's failure to handle his responsibilities on time that caused this outlay. They also claim approximately 50,000 shekels for expenses that the delay in installation caused them in finishing up the building project and for their need to extend their previous rental contract. Def demands full payment for the windows that he already installed and compensation for the damage that the lack of payment impacted him in regard to cash flow.

Ruling: We saw that def was responsible for the delay and determined that def should pay (and how much) for temporary windows. Now we look at other damage claims.

Pl's contractor received payment from pl because he was not able to finish the job and go on to other jobs due to the windows. The Nimukei Yosef says that if an employer was allowed to replace the worker who refused to work and did not, he is not due damage payment. The Hagahot Ashri says that in such a case, the worker is responsible for damages from that which was not completed as *garmi* (semi-direct damage) if the losses are monetarily quantifiable. The Rama (Choshen Mishpat 333:6) brings both opinions, but it is not clear whether he views them as contradictory or referring to different cases. Our case depends on this *machloket*, as pl could have ordered temporary windows sooner and not been penalized by the contractor. Only for part of the time could pl claim that def tricked them into believing that he was providing them. Even the opinion that obligates could arguably not apply here because there was no physical damage to an object but an external penalty. However, since even if the damage was not on the level of *garmi*, it was at least *gerama*, which includes a moral obligation to pay, we obligate 1500 shekel toward the payment.

Along similar lines, there will be only partial payment (1,670 shekels) for the guards that had to accompany the [Arab] workers for additional days until the job was finished. Similarly, there will be partial payment for having to extend their rental (3300 shekels). Regarding missing work to take care of things, this is considered losing an opportunity to gain and not grounds for payment. Regarding mental anguish, this is reserved for extreme cases, and not for cases of negligence.

.....
We daven for a complete and speedy *refuah* for:

Ro'i Moshe Elchanan ben Gina Devra / Eliezer Yosef ben Chana Liba
Yair Menachem ben Yehudit Chana / David Chaim ben Rassa
Netanel Ilan ben Sheina Tzipora / Meir ben Chaya Leah
Meira bat Esther / Rivka Reena bat Gruna Natna
Yafa bat Rachel Yente / Lillian bat Fortune

.....
Together with all *cholei* Yisrael
.....

Eretz Hemdah is the premier institution for training young rabbis to take the Israeli Rabbinic's rigorous Yadin Yadin examinations. **Eretz Hemdah**, with its distinctive blend of Religious Zionist philosophy and scholarship combined with community service, ensures that its graduates emerge with the finest training, the noblest motivations resulting in an exceptionally strong connection to Jewish communities worldwide.